DOCUMENT RESUME

ED 128 518 UD 016 288

AUTHOR	Knorr, Frank, Ed.
TITLE	Fulfilling the Letter and Spirit of the Law. Desegregation of the Nation's Public Schools. A Report to the United States Commission on Civil Rights, August 1976.
INSTITUTION	Commission on Civil Rights, Washington, D.C.
PUB DATE	Aug 76
NOTE	328p.
EDRS PRICE	MF-$0.83 HC-$18.07 Plus Postage.
DESCRIPTORS	Civil Rights; Civil Rights Legislation; Equal Education; Ethnic Groups; Failure Factors; Integration Effects; Integration Litigation; Integration Methods; *Integration Studies; Minority Groups; Negro Education; Negroes; *Program Evaluation; *Public Schools; *Racial Integration; *School Districts; *School Integration; Success Factors

ABSTRACT

This report contains the Civil Rights Commission's evaluation of school desegregation in a variety of school districts throughout the United States and is based on data obtained from commission hearings, State Advisory Committee to the Commission meetings, mail surveys to 1,291 school districts, and 900 indepth interviews in 29 school districts. Recent commission initiatives which resulted in data gathering included hearings and meetings in Boston, Denver, Tampa, Louisville, Berkeley, Minneapolis, Stamford, and Corpus Christi. The main body of the report focuses on and discusses such topics in relation to school desegregation as: the role of leadership, preparation of the community, restructuring of school districts, desegregation and educational quality, minority staff concerns, classroom integration, extracurricular activities, student attitudes, and discipline in desegregated schools. At the end of the evaluation, the report asserts that the one conclusion that stands out above all others is that desegregation does work. The commission recommends that the following be kept in mind if the "substantial progress being made in school desegregation is to be built upon": (1) leaders must accept that desegregation is a constitutional imperative; (2) the Federal government must strengthen and expand programs designed to facilitate desegregation; (3) there must be vigorous enforcement of laws contributing to the development of desegregated communities; and (4) a major of investment of time and resources must be made in order to deal with misconceptions relating to desegregation. (RJ)

Documents acquired by ERIC include many informal unpublished materials not available from other sources. ERIC makes every effort to obtain the best copy available. Nevertheless, items of marginal reproducibility are often encountered and this affects the quality of the microfiche and hardcopy reproductions ERIC makes available via the ERIC Document Reproduction Service (EDRS). EDRS is not responsible for the quality of the original document. Reproductions supplied by EDRS are the best that can be made from the original.

ED128518

FULFILLING THE LETTER AND SPIRIT OF THE LAW

Desegregation of the Nation's Public Schools

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

A Report of the United States
Commission on Civil Rights
August 1976

UD016288

LETTER OF TRANSMITTAL

U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C.
August 1976

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The U.S. Commission on Civil Rights presents this report to you pursuant to Public Law 85-315 as amended.

This document contains the Commission's evaluation of school desegregation in a variety of school districts throughout the country. The information on which this report is based was obtained primarily from a series of Commission-initiated efforts, including four full Commission hearings, four State Advisory Committee open meetings, a mail survey to possible respondents in 1,291 districts, and 900 indepth interviews in 29 school districts throughout the country.

As a result of these recent initiatives and nearly 20 years' experience, the Commission is uniquely qualified to assess the Nation's progress in desegregating its schools and to identify factors that contribute to effective desegregation.

The report reveals that in most communities desegregation has gone peacefully and smoothly--for every Boston and Louisville there are dozen of other communities, which have received no headlines and attracted no television coverage, where desegregation is proceeding without major incident. Desegregation is being accomplished in these communities by individuals who believe that compliance with the law is the American way and requires no fanfare.

The report also indicates that much work remains to be done before equal educational opportunity can become a reality. The Commission believes that the information contained in this report will assist in clarifying the issues surrounding school desegregation and will facilitate positive action by those responsible for our children's education.

We urge your consideration of the facts presented in this report.

Respectfully,

Arthur S. Flemming, Chairman
Stephen Horn, Vice Chairman
Frankie M. Freeman
Manuel Ruiz, Jr.
Robert Rankin*
Murray Saltzman

John A. Buggs, Staff Director

---

*Dr. Rankin, professor emeritus, Duke University, and member of the Commission since 1960, died June 4, 1976, prior to final action on this report.

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

MEMBERS OF THE COMMISSION

Arthur S. Flemming, Chairman
Stephen Horn, Vice Chairman
Frankie M. Freeman
Robert S. Rankin *
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, Staff Director

*Dr. Rankin, professor emeritus, Duke University, and member of the Commission since 1960, died June 4, 1976, prior to final action on this report.

Preface

We welcome the opportunity in this bicentennial year to present to the Nation a report on the desegregation of our schools.

In 1776 the founders of our Nation, in the Declaration of Independence, embraced the self-evident truths "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." They declared that the conditions under which they were living were destructive of these ends. Therefore, for the support of the Declaration, "with a firm reliance on the protection of Divine Providence," they mutually pledged to each other their lives, their fortunes, and their sacred honor. The implementation of that pledge gave to the world a new Nation--a Nation which rests on the foundation of a Constitution that has evolved in such a manner as to reflect the "self-evident truths" of the Declaration.

Eighty-five years later Abraham Lincoln declared in Philadelphia on his way to take the oath of office as President that embodied in the Declaration of Independence was that "which gave promise that in due time the weights would be lifted from the shoulders of men and all should have an equal chance." Some men and women were not being given that equal chance. A civil war was fought. The sacrifices of that war preserved us as a Nation dedicated to implementing the "self-evident truths" of the Declaration and the Constitution.

In 1976 our Nation can move from strength to strength only as we apply to the conditions that confront us these same "self-evident truths." Any retreat will deprive us of the power that comes only to those who embrace the truth.

This is what the desegregation of our schools is all about. The United States Supreme Court has found that segregated schools constitute a denial of the "self-evident truths" embodied in the Declaration of Independence and the Constitution--a violation of the covenant that all should have an equal chance.

The desegregation of our schools provides this generation with one of the most significant opportunities that has confronted any generation to demonstrate that the Declaration of Independence and the Constitution are living documents embodying truths for which persons once again should be willing to make sacrifices.

The evidence set forth in this report leads to the conclusion that many of our citizens are responding to this opportunity. We know, after listening to testimony under oath from approximately 500 citizens in Boston, Denver, Tampa, and Louisville and examining evidence from 29 other communities, that many are challenged by the moral and constitutional issues that are involved in the desegregation of our schools. They are making significant contributions to the implementation of the 14th amendment to the Constitition and, as a result, children and young persons in their communities are being provided with an equal chance that otherwise would be denied them. The rhetoric of the Declaration of Independence and the Constitution is once again being translated into action.

There is opposition to desegregation. Some do not believe that all persons are created equal, are endowed with certain unalienable rights, and should have an equal chance. Some believe that the methods being employed to obtain desegregation, such as the transportation of pupils, are so objectionable that they should be abandoned. Once again the Nation is experiencing sharp divisions growing out of efforts to implement those "self-evident truths" incorporated in both the Declaration of Independence and the Constitution.

We believe that the evidence contained in this report demonstrates that the only way to bring the Nation together on this issue is through a prompt, vigorous implementation of the constitutional right to equal educational opportunity. Where this has been and is being done, citizens discover that desegregation works. Their faith in the truths on which our Nation was founded is renewed.

The bicentennial year must be more than a year of celebration. It must also be a year of renewed commitment to the truths embedded in the Declaration of Independence and the Constitution. It must be a year when these renewed commitments are reflected in actions.

Those who have enlisted and will enlist in the cause of giving children and young persons an equal chance in the field of education are making such a commitment. This Commission salutes you. The results of some of your actions are set forth in this report.

Our hope is that increasing numbers of our citizens in this our bicentennial year "with a firm reliance on the protection of Divine Providence" will pledge to do all within their power to make the Declaration of Independence and the Constitution living documents in the lives of children and young people by giving them an equal chance for an education.

Arthur S. Flemming
Frankie M. Freeman
Stephen Horn
Manuel Ruiz Jr.
Murray Saltzman

ACKNOWLEDGEMENTS

The Commission is indebted to Emilio Abeyta, Karen Arrington, Rodney Cash, James Corey, Suzanne Crowell, Linda Dunn, Ernest Gerlach, Sally James, Margaret Johnson, Duane Lindstrom, Jane O'Connell, Ulysses Prince, Everett Waldo, Thomas Watson, Carole Williams, and John Williams, who wrote this report under the direct supervision of Frank Knorr.

Appreciation is also extended to the following staff members and former staff members who provided support and assistance in the production of the report: Allison Adams, James Arisman, Evelyn Avant, Mary Avant, Richard Avena, Arvilla Baker-Pinkston, Mary Baltimore, Malcolm Barnett, Dolores Bartning, Richard Blanchard, Brenda Blount, Norman Bober, Eugene Bogen, Claudia Booker, Roberta Booker, Lucille Boston, Victor Bracero, Diane Brewer, Joseph Brooks, Claudette Brown, Jessalyn Bullock, Alice Burruss, Kathleen Buto.

Also, Gloria Cabrera, Aurora Carvajal, Patricia Cheatham, Laura Chin, Ruth Cubero, Joanne Daniels, Edward Darden, Henry Dawson, Grace Diaz, Diane Diggs, Bobby Doctor, Frederick Dorsey, Richmond Doyle, John Dulles, Lucy Edwards, Patricia Ellis.

Also, Antoinette Foster, Cynthia Freeman, Ruth Ford, Reece Fullerton, Irene Garcia, Lawrence Glick, Ramona Godoy,

Elda Gordon, Marilyn Grayboff, Wallace Greene, Linda Gresham, Martha Grey, David Grimm, Treola Grooms, Geary Gunter, Edith Hammond, Joan Harper, Olga Harper, Joann Harris, Deborah Harrison, Kenneth Harriston.

Also, Jack Hartog, Ellen Haser, Vivian Hauser, Gloria Hernandez, Rita Higgins, Diane Hiligh, Valeska Hinton, Wanda Hoffman, Audree Holton, Peggy Hubble, Randy Hughes, Michael Ishikawa, Gregg Jackson, Lorraine Jackson, Robert Jeffers, Melvin Jenkins, Esther Johnson, Jeanette Johnson, Wanda Johnson, Martha Jones, Norma Jones, Nancy Langworthy, Cleveland Lee, Connie Lee, Sherry Lynn Lee.

Also, William Levis, Hester Lewis, Williams Lewis, Joyce Long, James Lyons, Michele Macon, Rebecca Marrujo, Frank Matthews, Carol McCabe, Carmelo Melendez, Delores Miller, Alma Missouri, Philip Montez, Mary Moore, Grenda Morris, Charles Mueller, Carol Murray, Thomas Neumann, Gloria O'Leary, America Ortiz, David Pales, Maria Pares.

Also, Ruth Peete, Thomas Pilla, Martha Proctor, Natalie Proctor, Pamela Proctor, Zenobia Purry, Linda Quinn, Portia Raby, Carolyn Reid, Patricia Reynolds, Sharon Rivers, Clark Roberts, Armando Rodriguez, Frederick Routh, Phyllis Santangelo, Jacob Schlitt, Mark Schnieder, Marvin Schwartz, Courtney Siceloff, Mark Simo, Deborah Snow, Joe Solis, Cathy Somers, Eliot Stanley, Shirley Staton, Francis Steiner.

Also, Donald Stocks, Victoria Squier, Sandra Tangri, Franklin Taylor, Ruthie Taylor, Eleanor Telemaque, Carlton Terry, Naomi Tinsley, Aloen Townsend, Robert Turner, Evangeline Urrutia, Norma Valle, Mardon Walker, Loretta Ward, Patsi Washington, Veronica Washington, Vivian Washington, Brenda Watts, Etta Wilkinson, Ada Williams, Mayme Williams, Jacques Wilmore, Louis Wilmot, Candy Wilson, and Shirley Hill Witt.

This study has also been provided vital assistance in all its aspects by many members of State Advisory Committees to the Commission in 28 of the States.

The report was prepared under the overall supervision of John Hope III, Assistant Staff Director, Office of Program and Policy Review. At the appointment of the Staff Director of the Commission, all staff activities that contributed to this report were under the general supervision and coordination of William T. White, Jr., Assistant Staff Director, Office of National Civil Rights Issues.

TABLE OF CONTENTS

Page

I. Introduction 1

II. Recent Commission Initiatives 18

  Scope and Methodology 18

  Four Hearings

    Boston, Massachusetts 25
    Denver, Colorado 39
    Hillsborough County (Tampa), Florida 52
    Jefferson County (Louisville), Kentucky 65

  Four Open Meetings

    Berkeley, California 85
    Minneapolis, Minnesota 91
    Stamford, Connecticut 99
    Corpus Christi, Texas 106

  Summary and Analysis of 29 School Districts 112

  National Survey 131

III. Experience with School Desegregation 168

  The Role of Leadership 174

  Preparation of the Community 191

  Restructuring of School Districts 202

  Desegregation and the Quality of Education 206

  Minority Staff 222

  Classroom Desegregation 233

  Extracurricular Activities 241

  Students Attitudes 246

  Discipline in Desegregated Schools 255

IV. Summary and Conclusions 293

I. INTRODUCTION

Four years after the Supreme Court of the United States decision in Brown v. Board of Education,[1] the school bell summoned America to the spectacle of screaming parents and troops with bayonets at the ready, escorting nine black students to Central High School in Little Rock, Arkansas.

"I tried to see a friendly face," declared Elizabeth Eckford, one of the nine. "I looked into the face of an old woman and it seemed friendly, but when I looked at her again she spat on me." And then Elizabeth Eckford wept.

Her tears were but the prologue to a long drama of struggle that is not yet over. The Nation is still confronted with a basic question. That question has been reworded at various times since 1954, but it remains essentially the same: Are the Elizabeth Eckfords of this country to be denied equality of educational opportunity merely because many people oppose the remedies for constitutional violations and subvert their implementation? The Supreme Court answered this question in 1955 in Brown II: "the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."[2] Twenty-one years later, the implementing doctrine

(Brown II) providing equal protection of the laws to minority children is under renewed and intense attack.

On July 10, 1776, the Declaration of Independence was published in the Pennsylvania Gazette. In that same issue, an advertisement also appeared offering a black slave for sale.[3] Thus our Nation came into existence 200 years ago with a serious flaw. The Constitution itself, as every student of history knows, bore the telltale marks in its first article, which apportioned representatives according to the free population and "three-fifths of all other Persons." For a short-lived period after the Civil War, the 13th, 14th, and 15th amendments protected the rights of black Americans. But the political compromise of 1877 effectively ended this era, and in 1896 the Supreme Court of the United States sanctioned the second-class status of blacks in the infamous Plessy v. Ferguson decision.[4]

By the early 1930s disparities in educational expenditures were evident in the South. In Randolph County, Georgia, $36.66 was expended annually for the education of each white child, while only 43 cents was spent on each black child.[5] Russell County, Alabama, spent $45.74 per white child each year and only $2.55 per black.[6] The values of educational facilities were similarly disproportionate. In Upson County, Georgia, for every $1.00 of the declared value of black schools, white schools were valued at $2,055.[7]

It was not until 1938 that the country began the long road to equality of educational opportunity. In that year, the Supreme Court embarked on a series of decisions attempting to enforce the "separate but equal" doctrine that led inexorably to the tardy rejection of that bankrupt maxim.

In Missouri ex rel. Gaines v. Canada (1938),[8] a black student sought entry to law school within his home State. The State in turn offered to pay his tuition at an out-of-State institution. The Court held this offer to be "a denial of the equality of legal right to the enjoyment of the privilege which the State has set up...the provision for the payment of tuition fees in another State does not remove the discrimination."[9]

In 1948 another black applicant asserted that she was entitled to a legal education at the University of Oklahoma Law School. The State contended that local law allowed for provision of a separate law school for blacks upon demand or notice and that the applicant had not sought such relief. In its decision in the case, Sipuel v. University of Oklahoma,[10] the Supreme Court recognized that the petitioner could not be expected to wait for construction of a law school before completing her education. The Court stated:

> The petitioner is entitled to secure legal education afforded by a State institution. To this time, it has been denied her although during the same period many white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group.[11]

Oklahoma tried another tack with a black student admitted to a State university graduate school. Under a new law, the student was provided an education on a segregated basis. He sat in a section of the classroom surrounded by a rail with a sign reading "Reserved for Colored." He was assigned one desk in the library and prohibited from using any other, and was required to eat in the cafeteria at a different time from all other students.

This arrangement did not satisfy the Court. It ruled in McLaurin v. Oklahoma State Regents (1950)[12] that:

> [T]he State, in administering the facilities it affords for professional and graduate study, sits McLaurin apart from the other students. The result is that the appellant is handicapped in his pursuit of effective graduate instruction....There is a vast difference--a Constitutional difference--between restrictions imposed by the State which prohibit the commingling of students, and the refusal of individuals to commingle where the State presents no such bar....[13]

On the same day the Court decided in Sweatt v. Painter[14] that a new separate law school for blacks operated by the State of Texas could not, in reality, provide equal protection of the laws. In this case as well as in McLaurin, the Court emphasized the "intangibles" that make an educational institution equal: "Such qualities...include the reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige...."[15] The Court added that the new black law school excluded 85 percent of the population from which were drawn most of the lawyers, witnesses, jurors, judges, and other officials in the State that a black lawyer would eventually encounter. For this reason, the Court said, "We cannot conclude that the education offered petitioner is substantially equal to that which he would receive if admitted to the University of Texas Law School."[16]

With the handwriting on the wall, the South launched a crash program to build separate but "equal" schools for blacks. But it was too late then to prove Plessy v. Ferguson a possible answer to the requirements of the 14th amendment. Four years later the Court declared that the considerations enumerated in Sweatt and in McLaurin "apply with added force to children in grade and high schools." The verdict was in, and after Brown segregation was legally doomed. Brown, however, was not the end of segregation so much as the beginning of desegregation. The Court's work was not over--the question of implementation remained.

In this regard, the Court gave to the lower Federal courts the responsibility for dealing with specific plans and problems, so that plaintiffs would be admitted to public schools "on a racially nondiscriminatory basis with all deliberate speed."[17] "All deliberate speed" became the catchword that spawned massive resistance as the South deliberated but refused to desegregate. Ten years after Brown, only 1.2 percent of the nearly 3 million black students in the 11 Southern States attended school with white students.[18] The Court was forced to conclude in Griffin v. County School Board of Prince Edward County (1964 Virginia) that "The time for mere 'deliberate speed' has run out...."[19]

Prince Edward County had tried to solve the segregation problem by simply abolishing its public schools, but other school districts found less dramatic ways temporarily to circumvent the law. Chief among these was the "freedom of choice" plan that ostensibly permitted students to select the school they would attend. In practice, few chose to transfer. The Court took on this issue in Green v. County

School Board of New Kent County (1968),[20] ruling that such plans were unacceptable where speedier and more effective means were available. In addition, the Court stressed, "The burden of a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now."[21] This urgency was reiterated the following year in Alexander v. Holmes County Board of Education,[22] where the Supreme Court ordered the court of appeals to "issue its decree and order, effective immediately...."[23]

The techniques of desegregation became an issue again in Swann v. Charlotte-Mecklenburg Board of Education (1971),[24] which became known as the first "busing" case. Busing had been the way to more equitable educational opportunity for millions of schoolchildren across the country. Furthermore, children had been bused long distances for decades to perpetuate segregation. But when transportation for the purposes of desegregation was decreed, busing suddenly became a national issue. The Court held that a school desegregation plan was "to be judged by its effectiveness"[25] and that a plan might require student transportation as long as "the time or distance of travel is [not] so great as to either risk the health of the children or significantly impinge on the educational process."[26]

At this point, the Court had not ruled on the future of school systems in States where segregation had never been the law but where segregated schools existed nevertheless. In these States, such segregation was said to be de facto rather than de jure. This distinction appeared before the Court in the case of Keyes v. School District No. 1, Denver, Colorado (1973).[27] The Court declared that "...where no statutory dual system has ever existed, plaintiffs must prove that it was brought about or maintained by intentional State action."[28] This the plaintiffs had done, and the Court thus ordered that desegregation proceed. Its decision meant that countless northern school districts, guilty of such practices as gerrymandering school zones, setting up segregatory feeder systems, and assigning staff on a racially discriminatory basis, would be faced with correcting these violations of constitutional rights. But it also meant that plaintiffs would have to present convincing evidence of official action responsible for dual school systems on a case-by-case basis.

The consequences of massive resistance by the South need little repetition here. Schools were closed; State funds were cut off; compulsory attendance laws were suspended or repealed; private schools were opened with tuition paid for whites by public funds. Long dead constitutional doctrines were revived to buttress stalling tactics.

What has not been placed in proper perspective are the actions of school districts in the North and West. There official actions of school boards too frequently have obstructed, delayed, and denied the minority student equal protection of the law. The actions of governmental bodies responsible for segregation have been ignored in the heated debate over remedies.

A clear example is the city of Boston. It would be totally misleading to examine the equity of the remedy ordered in the Boston case, Morgan v. Hennigan (1974),[29] without considering the findings of the court. Yet this is what many political leaders and media commentators have done. The judge in this case, W. Arthur Garrity, Jr., laid out the basis for his ruling in a meticulously documented opinion.

In the purchase and construction of new facilities, the judge found "The overwhelming effect...has been to increase racial segregation." In one situation, black children were bused involuntarily to a more distant school when seats were vacant at nearby white schools.[30] With regard to districting, Judge Garrity wrote:

> Year after year the defendants rejected proposals for redistricting carefully drawn with a view to lessening racial imbalance, while at all times displaying an awareness of the potential racial impact of their actions.[31]

One assistant superintendent testified at the trial of the case that he opposed redistricting in one instance "because he knew the attitude of the people in the area."[32] In another instance, the judge noted:

> [The district] configuration results in nearly the maximum possible amount of racial isolation....Only small sections of the district lines coincide with natural boundaries....[33]

In Boston, the judge noted, assignment to a particular high school is determined not by geography, but "by a combination of seat assignments, preferences and options collectively called feeder patterns."[34] Various elementary and intermediate schools feed into high schools at various grade levels depending on whether the high schools run from grade 9 to 12 or 10 to 12. The judge concluded that these feeder patterns "since...1966...have been manipulated with segregative effect."[35]

Open enrollment, similar to the freedom-of-choice plans so popular in the South, was another tool of the Boston School Committee. "Open enrollment as administered by the defendents," the judge said, "became a device for separating the races and contributed significantly to the establishment of a dual school system."[36] Black parents sending their children to predominantly white schools were chasing a will-o'-the-wisp, since whites were free under the system to transfer elsewhere when integration appeared imminent.

The court found that in the 1971-72 school year when the student population in Boston schools was 96,000:

> Approximately one-third of Boston's students, a large majority of whom are in high school, use buses or other public transportation to travel to and from school. Approximately 3,000 elementary students are transported at city expense, most of whom attend schools over a mile away from their homes. In Charlestown some elementary students who live less than a mile from school are bused for safety reasons. Other elementary students are bused several miles, e.g., from the Dearborn district in Roxbury to the North End and East Boston; others from the South End to Brighton. The three examination high schools, sometimes called the "elite schools," were served in the school year 1971-72 by a combined total of 63 buses on 35 routes. Many other students travel between distant parts of the city.[37]

Faculty and staff were racially separated as well, despite the fact that their dispersal would not have required busing. The judge found that "Black teachers are segregated at black schools....Black administrators are also segregated."[38] Black schools more frequently were assigned less experienced and less qualified teachers, and "the defendants have for years 'gone through the motions' of recruiting black teachers, but have never made a wholehearted effort to get results."[39]

The school committee offered standard defenses: that housing segregation led to the segregation found in the schools, and that their policy of maintaining neighborhood schools was constitutionally sound.[40] The plaintiffs pointed out that school district assignments themselves can affect housing patterns; that the school committee intentionally incorporated residential segregation into the school system; and that the committee policies were riddled with so many exceptions designed to increase segregation that its defenses need not be considered.[41]

The judge agreed, stating: "The defendents have, with awareness of the racial segregation of Boston's neighborhoods, deliberately incorporated that segregation into the school system."[42]

It is for all these reasons that school desegregation, implemented through student transportation, was ordered in Boston. The basis in law is really no different from that in Brown. The standard of proof has evolved, but the ruling is still based on the official actions of a government body, to wit: "....[T]he defendants have knowingly carried out a systematic program of segregation affecting all of the city's students, teachers, and school facilities and ... maintained a dual school system."[43]

In 1966 an attempt in the House of Representatives to legitimize freedom-of-choice plans barely failed, by a vote of 127 to 136.[44] In a press conference shortly after the issuance of the *Swann* decision in 1971, President Nixon indicated that the decision, which sanctioned the use of busing in remedying *de jure* segregation, was the law of the land and would be enforced by the executive branch. Soon thereafter, the administration reversed its position and announced it would not grant funds for court-ordered busing under the Emergency School Assistance Program and proposed that the Congress prohibit such funding in the future.[45]

In 1972 Congress wrangled over several antibusing amendments to pending legislation and President Nixon delivered a nationally televised address attacking "massive busing" and announced that he was sending legislation to the Congress designed to limit busing.[46] In 1974 President Ford stated at a press conference that he thought the law should be obeyed, but then went on to note that he had "consistently opposed forced busing to achieve racial balance as a solution to quality education."[47] More recently, the President has proposed legislation that would require the courts to limit the definition of illegal segregation and to limit the extent and duration of busing as a remedy. In addition, Attorney General Levi has indicated that the Department of Justice may seek review by the Supreme Court of certain aspects of busing, although the issues he cited have already been considered and disposed of by the courts.[48]

The tragedy of these developments, and others discussed later in this report, is that they undermine the desegregation process in communities across the country. And despite the publicity given to violence in Pontiac, Boston, and Louisville, numerous communities have implemented the law peacefully. Although largely ignored by politicians and the national press, these communities represent in many ways the real story of desegregation today.

Notes to Chapter 1

1. 347 U.S. 483 (1954).

2. Brown v. Board of Education, 349 U.S. 294, at 300 (1955).

3. Pennsylvania Gazette, No. 2481, July 10, 1776, Philadelphia, Pa., p. 4.

4. 163 U.S. 537 (1896).

5. Charles S. Johnson, Statistical Atlas of Southern Counties (Chapel Hill: University of North Carolina, 1941), p. 107.

6. Ibid., p. 52.

7. Ibid., p. 111.

8. 305 U.S. 337 (1938).

9. 305 U.S. at 349. See Argument: The Complete Oral Argument before the Supreme Court in Brown v. Board of Education of Topeka, 1952-55, ed. Leon Friedman (New York: Chelsea House Publishers, 1969), pp. xiv-xvii for a summary of pre-Brown cases.

10. 332 U.S. 631 (1948).

11. 332 U.S. at 632-33.

12. 339 U.S. 637 (1950).

13. 339 U.S. at 641.

14. 339 U.S. 629 (1959).

15. 339 U.S. at 634.

16. Id.

17. 349 U.S. 294 at 301 (1955).

18. U.S., Commission on Civil Rights, Twenty Years After Brown: Equality of Educational Opportunity (1975), p. 46.

19. 337 U.S. 218 at 234 (1964).

20. 391 U.S. 430 (1968).

21. 391 U.S. at 439.

22. 396 U.S. 19 (1969).

23. 396 U.S. at 20.

24. 402 U.S. 1 (1971).

25. 402 U.S. at 25.

26. 402 U.S. at 30-31.

27. 413 U.S. 189 (1973).

28. 413 U.S. at 198.

29. 379 F. Supp. 410 (D. Mass. 1974).

30. Id. at 428.

31. Id. at 433.

32. Id. at 438.

33. Id. at 435.

34. Id. at 441.

35. Id. at 442.

36. Id. at 453.

37. Id. at 424.

38. Id. at 459.

39. Id. at 464.

40. Id. at 469.

41. Id. at 470.

42. Id.

43. Id. at 482.

44. Michael Wise, "Congress, Busing, and Federal Law," Civil Rights Digest, vol. 5, no. 5, p. 30.

45. Ibid., p. 31.

46. Ibid., pp. 31-33.

47. Press Documents, Oct. 11, 1974.

48. New York Times, May 30, 1976, p. 1.

II. RECENT COMMISSION INITIATIVES

SCOPE AND METHODOLOGY

The Commission on Civil Rights in recent years has been increasingly concerned about the lack of accurate information and understanding on school desegregation. This problem, from the Commission's viewpoint, threatens further progress in school desegregation and other areas of civil rights as well. In November 1975 the Commission, therefore, announced a series of projects to provide the Nation with a national assessment of the school desegregation effort.[1] These projects included formal hearings, open meetings, case studies, and a national survey, the findings of which are incorporated into this report. Other sources of information for this report include: previous Commission studies on desegregation or other school-related considerations;[2] publications by organizations such as the Southern Regional Council;[3] and recent articles in periodicals, journals, and newspapers. These various sources provided data for analysis and also the views of key participants in the desegregation of school districts throughout the country. (See map 2.1.)

The school districts studied and surveyed during this research were selected in order to provide a broad cross-section of districts representing the entire spectrum of views and experiences concerning school desegregation. Those districts differ in many respects, such as the original impetus for desegregation, the nature of public reaction, the effectiveness of planning, the length of experience with desegregation, and the general success or ease with which desegregation has been implemented. However, these projects have enabled the Commission to draw conclusions about overall progress in desegregating the Nation's schools and to identify factors that contribute to effective desegregation.

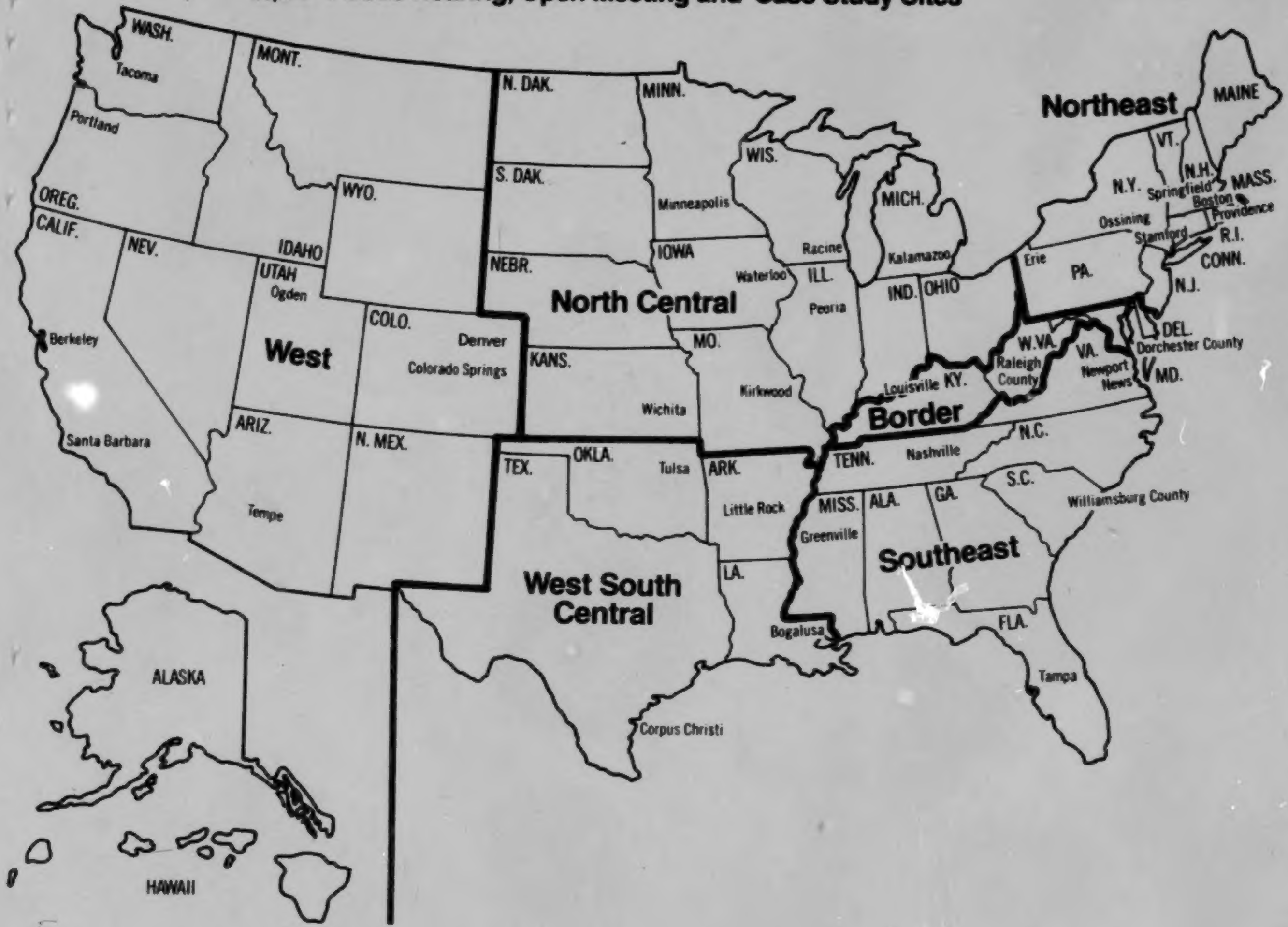
Public Hearings

The Commission held public hearings on school desegregation in four major cities: Boston, June 16-20, 1975; Denver, February 17-19, 1976; Tampa, March 29-31, 1976; and Louisville, June 14-16, 1976.

Each of the four hearings was preceded by intensive staff investigation. A combined total of approximately 4,500 persons were interviewed for all four hearings. At least 100 persons were subpenaed and testified under oath at each hearing, including Federal, State, and local officials; representatives of business, law enforcement, religious, and other community groups, as well as higher education and the media; school officials and personnel, including school board members, administrators, and faculty; and parents and students. The witnesses included persons of diverse racial and ethnic groups, as well as persons with differing views toward desegregation. In addition to the 100 or so individuals scheduled to testify, there were between 10 and 15 unscheduled witnesses who testified at each hearing.

The hearings covered all aspects of desegregation, ranging from the history of the first desegregation efforts, through the manifold dynamics of the implementation process in the schools and the broader community, to retrospective evaluation of the actual effects of desegregation on the schools as a public institution and on students, teachers, and other individuals affected directly or indirectly. In particular, inquiry was directed toward specific reasons why desegregation had proceeded smoothly or had serious difficulties. Certain topics also received more attention at one hearing than at another. Thus the Boston and Louisville hearings focused in more detail on the role of the police during desegregation. The importance of bilingual education in desegregating school districts received much attention at the Denver and Tampa hearings.

Map 2.1 **Public Hearing, Open Meeting and Case Study Sites**


WASH.
Tacoma
MONT.
N. DAK.
MINN.
Northeast
MAINE
VT.
N.H.
MASS.
Portland
WIS.
OREG.
S. DAK.
N.Y.
Springfield
Boston
Providence
WYO.
Minneapolis
MICH.
Ossining
Stamford
R.I.
CALIF.
NEV.
IDAHO
IOWA
Racine
Kalamazoo
CONN.
UTAH
Ogden
NEBR.
Waterloo
ILL.
IND.
OHIO
Erie
PA.
N.J.
North Central
Peoria
COLO.
Denver
Berkeley
West
Colorado Springs
KANS.
MO.
W.VA.
VA.
DEL.
Dorchester County
Raleigh County
Louisville
KY.
Newport News
MD.
Kirkwood
Wichita
Border
ARIZ.
N. MEX.
N.C.
Santa Barbara
TEX.
OKLA.
Tulsa
ARK.
TENN.
Nashville
S.C.
Williamsburg County
Little Rock
MISS.
ALA.
GA.
Tempe
Greenville
Southeast
LA.
West South Central
Bogalusa
FLA.
ALASKA
Tampa
Corpus Christi
HAWAII

Open Meetings

Four State Advisory Committees (SACs) to the Commission conducted four open meetings on school desegregation in 1976 in Berkeley, California, March 19-20; Minneapolis, Minnesota, April 22-24; Stamford, Connecticut, April 29; and Corpus Christi. Texas, May 4-5.*

Preparations for the meetings and the scope of testimony resembled that of the public hearings. However, Advisory Committees do not have subpena power and testimony was not taken under oath. Approximately 50 persons spoke at each open meeting. Detailed evaluations and analyses of these meetings were prepared by the State Advisory Committees and the Commission's regional offices in Los Angeles, Chicago, New York, and San Antonio.

Case Studies

In February, March, and April 1976, 28 of the Commission's State Advisory Committees, with staff assistance from the eight regional offices, conducted 29 case studies of school desegregation. Four studies covered the four cities where Advisory Committee meetings were held. Table 2.1 shows the communities studied by State and Commission region.

These districts are of varying size and racial-ethnic composition. All had a student enrollment of at least

1,500, of which at least 5 percent were minority students. Some had desegregated voluntarily while others desegregated under Federal or State pressure or a court order. At least 10 percent of the students in each district were reassigned during desegregation, and transportation was included in all desegregation plans. The sample included both rural and urban districts with varying years of experience with desegregation. Some districts had desegregated with minimal difficulty and some had experienced considerable problems.

Commission staff and Advisory Committee members conducted personal interviews in each district with mayors, city council members, and law enforcement authorities; community leaders; school officials and personnel; parents and students; and media representatives. Standardized guides were used for both onsite and telephone interviews to elicit information about the individual's own role in desegregation, as well as his or her perceptions of events and the role played by others during desegregation. They also were designed to elicit personal judgments about the effectiveness of desegregation in their communities and the overall effect of desegregation on the schools and communities. In addition to these interviews, Advisory Committee members and regional staff collected data and reports pertinent to desegregation in each district. The

Commission's regional offices analyzed and summarized the results of this research and submitted them to Washington for further evaluation.

National Survey

In late January 1976 the Commission mailed questionnaires to individuals in a randomized sample of approximately 1,300 school districts. These individuals included school superintendents, heads of local chambers of commerce, parent advisory councils, and local chapters of the National Association for the Advancement of Colored People (NAACP), and mayors or city managers. The districts included the 100 largest in the Nation, and approximately 47 percent of districts which had pupil enrollments of at least 1,500 and were at least 5 percent minority.

Information was sought on the stimulus for desegregation, the nature of the desegregation plan implemented, and the outcome of desegregation. The variables used for assessment were the perceived support for desegregation by community leaders and groups, the degree of disruption of the educational process during desegregation, and the perceived quality of education. The survey also sought to examine the withdrawal of whites from school systems in response to desegregation. Superintendents were asked about the activities of any multiracial or multiethnic committees, student suspension levels, and building improvements incident to desegregation. All those surveyed were asked about the extent and cost of pupil transportation, the role and attitudes of various community groups before and after desegregation, the quality of education, student retention and achievement, and interaction among pupils of different races or ethnic groups. Usable responses were received from about 76 percent of the superintendents and 20 percent of the community leaders. Some responses were obtained by telephone.

FOUR HEARINGS

Boston, Massachusetts

Massachusetts was the first State in the Nation to enact a school desegregation law, the Racial Imbalance Act of 1965.[5] Under the law, any school with a nonwhite enrollment of more than 50 percent was "imbalanced," and strong sanctions were available against any school district that failed to correct such imbalance. The act did not require integration of all-white schools; it prohibited involuntary, interdistrict transportation; and its compliance guidelines were vague, opening avenues for procrastination and evasion which the Boston School Committee used fully.

TABLE 2.1

Case Study Communities by State and Commission Region

Northeast Regional Office

Ossining, New York
Providence, Rhode Island
Springfield, Massachusetts
Stamford, Connecticut**

Mid-Atlantic Regional Office

Erie, Pennsylvania
Newport News, Virginia
Dorchester County, Maryland
Raleigh County, West Virginia

Southern Regional Office

Nashville, Tennessee
Greenville, Mississippi
Williamsburg County, South Carolina

Central States Regional Office

Wichita, Kansas
Waterloo, Iowa
Kirkwood, Missouri

Mid-Western Regional Office

Racine, Wisconsin
Peoria, Illinois
Kalamazoo, Michigan
Minneapolis, Minnesota**

Mountain States Regional Office

Ogden, Utah
Colorado Springs, Colorado
Tempe, Arizona

Southwestern Regional Office

Bogalusa, Louisiana
Tulsa, Oklahoma
Little Rock, Arkansas
Corpus Christi, Texas**

Western Regional Office

Portland, Oregon
Tacoma, Washington
Santa Barbara, California
Berkeley, California**

** Indicates school district in which Advisory Committee open meetings were held.

The city of Boston has a population of approximately 641,000 people, many of whom live in neighborhoods with strong ethnic identities. Its black population is approximately 17 percent of the total and its student population is 34 percent black and 6 percent Hispanic. In 1973, 85 percent of black public school students attended schools that were more than 50 percent minority; 54 percent attended schools that were 90 to 100 percent minority.[6]

The Boston School Committee, which formulates policy for city public schools, proved unrelenting in its opposition to school desegregation. For 8 years following passage of the Racial Imbalance Act, State education authorities were unsuccessful in their efforts to compel the Boston School Committee to desegregate at least a substantial portion of its schools. Several State agencies became involved, including the State department of education and the Massachusetts Commission Against Discrimination. Suits and countersuits were filed in State courts. By 1971, however, Boston's public schools were more segregated than ever.[7]

The Federal Government became involved for the first time in 1971 when the Department of Health, Education, and Welfare wrote to the Boston School Committee charging discrimination in certain educational programs. Two years later HEW threatened to cut off all Federal education funds to the city.[8]

In March 1972 the local chapter of the NAACP filed suit in Federal district court, alleging government discrimination in creating and maintaining a segregated public school system. In June 1974 the Federal district court in Boston rejected the school committee's defense that housing patterns were responsible for school segregation.

The court found that the school committee had unconstitutionally fostered and maintained a segregated public school system through policies which had been "knowingly" designed to that end.[9] As a result of these policies, the court found, racial segregation permeated schools "in all areas in the city, all grade levels, and all types of schools."[10] The court also observed that the school committee had thwarted school desegregation efforts of Massachusetts authorities, including the State supreme court, by "formalistic compliance followed by procrastination and evasion on technical grounds."[11]

The court ordered desegregation to begin in September 1974. The plan for desegregation involved two phases. Phase I, implemented in September 1974, used redistricting and pupil transportation to desegregate 80 of the city's approximately 200 schools. Phase II, implemented in

September 1975, involved all remaining schools, except those in east Boston. Revision of attendance zones and grade structures, construction of new schools and the closing of old ones, and a controlled transfer policy with limited exceptions were used to minimize further pupil transportation.[12]

Implementation of Phase I was accompanied by mob violence and boycotts in some areas of the city, the worst such incidents to occur during school desegregation in a northern city. In October 1974 Mayor Kevin White expressed concern about his ability to "maintain either the appearance or the reality of public safety" during desegregation in some parts of Boston,[13] but order was generally established.

In June 1975 the Commission on Civil Rights held a 5-day hearing in Boston and heard testimony from more than 100 subpenaed witnesses, including Federal, State, and local officials, community leaders, school staff, and students. From this testimony and research conducted in connection with the hearing, the Commission gained significant insight into the desegregation process in Boston.

The publicity surrounding opposition to desegregation in Boston overshadowed the fact that major problems occurred at only four of the schools desegregated in 1974. Violence was severe at only two, South Boston and Hyde Park High

Schools. The desegregation process proceeded smoothly at the great majority of schools affected by Phase I, and the groundwork was laid for even more progress the following year.[14]

At the Jeremiah E. Burke High School in Roxbury, for example, many faculty and students viewed desegregation and the school year generally as a success. Burke teacher Joseph Day testified:

> ...the kids by October realized if they didn't do their work and weren't going to study, they were going to fail.... There was a lot of education, a lot of learning, a lot of teaching going on in the building, and the kids realized it.[15]

Burke student Jan Douglas told the Commission:

> At first...everybody was kind of scared because no one had really talked to each other to know where each other stood. Everybody was kind of walking around each other. And as the year progressed, we talked and we got to understanding, and we found a common ground....That we had all come to Jerry [Burke] for one thing, and that was to get a quality education and that in doing so, we would do it together.[16]

The testimony of other witnesses, however, revealed that school desegregation in Boston was seriously hampered by virtually a total lack of public and private leadership. The city's elected officials refused to express support for the court order or for the goal of school desegregation. The school committee's position was one of determined, unrelenting opposition to desegregation. It had fought school desegregation from the beginning, and it refused any affirmative support for peaceful implementation of school desegregation.

The chairman of the Boston School Committee stated:

> ...For my part, I will not go any further than doing what Judge Garrity directly orders me to do. And I will not end up as a salesman for a plan which I do not believe in.[17]

A member said:

> It would appear that we have exhausted some of our legal remedies. I think we still have--at least on the implementation process--some appeals.
>
> My instruction, and of course I am only one vote, to appeal every word that comes out of Garrity's mouth.
>
> So hopefully, somewhere along the line we can get some relief, because this order is just a destruction of the city....[18]

The picture that emerged in 5 days of testimony was of an elected body so belligerent[19] and so derelict in its duties that the Commission recommended that the court consider suspending the school committee's authority and placing the school system in receivership, a step that was partially taken by Judge Garrity in connection with Phase II of the court's desegregation order.

The records of other public officials--some of whom openly associated themselves with the "antibusing" organization, "Restore Our Alienated Rights" (ROAR)--were little better. City council members stongly opposed the court order,[20] and several State legislators from Boston introduced legislation to repeal the State's Racial Imbalance Act. The mayor's position on desegregation was equivocal, and on the national level, the lack of leadership extended to the White House. In October 1974 the President issued a public statement critical of the court order.

According to Thomas Atkins, president of the Boston NAACP,:

> ...those kinds of hopes [that a desegregation order would be reversed] were fed by statements...such as the one by the President when...he indicated disagreement with...the order of the Federal Court....[21]

The posture of elected officials reinforced the belief of many individuals that desegregation, which had been successfully avoided for 10 years, would never come about. Rabbi Roland Gittelson said:

> I'm very fearful that there will be increased tension and aggravation so long as the members of the Boston School Committee and many political leaders continue to make the whole desegregation problem a political football for their own political ambitions....[22]

The absence of leadership involved all sectors of the city. Business leaders were generally passive, in part because of the mayor's position. Relatively few of the clergy provided strong moral leadership. Many social and community service agencies also adopted neutral positions toward school desegregation. South Boston community groups, for example, neither assisted nor supported implementation of Phase I. This default at the community level, combined with the lack of guidance or leadership from city leaders, damaged the educational process in Boston.

Testimony made plain that the principal leadership for desegregation in Boston came from the U.S. district court. The court did not seek or arbitrarily seize that role. It was forced upon the court because, as Thomas Atkins, local NAACP leader, observed:

> The mayor [Kevin White] from time to time has refused to lead and has tried to hide. The Governor, this one [Michael Dukakis] and the last one, [Francis Sargent] from time to time has tried to say it's the mayor's problem, it's the judge's problem, it's anybody's problem; it's not my problem.[23]

Moreover, Judge W. Arthur Garrity, Jr., in his desegregation order was careful not to raise unreasonable administrative problems for the school system. Student transportation was held to a minimum, and the percentage of total enrollment transported increased by only 17 percentage points after desegregation.[24] Further, court-ordered bus rides were short, a fact that, in part, reflects the geographical compactness of Boston.[25]

Lack of leadership was also evident in the near total absence of effective planning for desegregation. Strong criticism was expressed of the "ill-defined low visibility policy" of the Boston Police Department and its lack of a "detailed master plan" for maintaining order during desegregation.[26] Black community leader Elma Lewis described the effect of this failure in South Boston:

> One of the most disenchanting experiences [our children] had was the day that they were set upon in South Boston High and the police expressed an inability to bring them out safely and they got out only by luck....[27]

The situation became so dangerous that State police and Metropolitan District Commission police were called in to assist the Boston police.

Haphazard planning also typified the school administration's response to the court order. Desegregation training and guidelines for faculty were minimal. No effort was made to involve the communities affected by Phase I, nor was any effort made to promote student attendance. A sharp increase in the suspension rate of black students occurred. One data analyst found the great disparity between white and black suspension rates to be "systematically related to race."[28]

At the few schools where strong, conscientious administrators prepared effectively for desegregation, difficulties were minor. At Roslindale High School, for example, curriculum content was reviewed, and the social studies program was changed to deal with race relations and the background to school desegregation. An ethnic studies course was planned for Phase II.[29] Roslindale teachers also visited the 30 schools sending students to Roslindale under the desegregation plan.[30] Strong community support was another "key factor" contributing to relatively successful implementation of desegregation at Roslindale.[31]

Phase II of the desegregation effort provided a basis for improving the overall quality of education in Boston. A key feature of Phase II was the linking of various city schools with business and higher education institutions, labor organizations, and the arts. Local colleges and universities offered needed resources in the development of reading and communication skills, cross-cultural relations, mathematics and science, counseling, teacher training, preventive health care and health-related problems, social work, and many other areas.

As the court noted:

> The significance of this pairing effort is as a long-term commitment, a promise to the parents and students of Boston that these institutions, with their rich educational resources, are concerning themselves in a direct way with the quality of education in the public schools.[32]

Phase II also was designed to provide greater parental and community involvement in school affairs. A Citywide Coordinating Council, consisting of 42 citizens of varying opinions regarding desegregation, was assigned a monitoring, coordinating, and informational role in Boston school desegregation. The mayor's key aide for school desegregation, Peter Meade, expressed the hope that the council would fill the leadership "vacuum" in Boston.[33] Biracial parent and student councils at various schools were to serve as adjuncts to the council. Jim O'Sullivan, a South Boston parent who had served as a member of one biracial council, told the Commissioners: "if we could have half the success that the South Boston-Roxbury biracial council had, I think we will make great strides in getting quality education into the city of Boston this coming year."[34]

The Commissioners heard testimony concerning other problems in Boston's schools, such as absence of black faculty, administrators, custodial persons, and attendance officers,[35] and rundown conditions of some schools, such as South Boston High School. A 1940 graduate of South Boston High told the Commissioners he was "shocked and ashamed" at the "appalling condition" of the school as Phase I began.[36]

It is clear, however, that some courageous leaders have resisted the prevailing winds of opposition. The black community provided many of these individuals. There have been instances of effective planning, notably by the deputy mayor with respect to public safety and neighborhood services, as well as by some individual school administrators. In addition, some police units, such as the State police, performed in a thoroughly professional and effective manner. Despite the failures described during 5 days of testimony, ample evidence was heard that desegregation had proceeded smoothly at the great majority of schools during Phase I, and that further progress in Phase II was likely, particularly if the school committee would begin to provide the positive and creative leadership the school system so badly needs.

Although a review of the 1975-76 school year indicates that the school committee and Mayor White have been criticized for failing to provide leadership to promote desegregation,[37] Phase II can be characterized as showing greater stabilization within the school system. A few minor incidents were reported in the spring of 1976, but conditions at previously troubled schools, such as Hyde Park High[38] and South Boston High,[39] reportedly had improved and tension had diminished. The Mayor's Committee on Violence[40] found that 150 out of 165 schools were "working well."[41]

School administrators expressed optimism over further progress under Phase II as a result of the refusal of the Attorney General of the United States to intervene in the appeal of Judge Garrity's Phase II order before the Supreme Court of the United States, and the Court's refusal to review four appeals of that order. They were pleased with increased involvement in the schools and improved administrative procedures in such areas as security.[42] Although a disproportionate number of black students continue to be suspended, the percentage has decreased.[43] The executive director of the Boston chapter of the NAACP observed that opposition to desegregation and student transportation had shifted to concern over the quality of education.[44]

Findings

From the Boston hearing and more current sources, several findings are evident concerning the desegregation process in Boston:

1. A virtual total lack of support for court desegregation orders by public and private leaders, especially the mayor, city council members, and those in

business, reinforced the opposition view that desegregation would never come to pass.

2. President Ford's and Mayor White's equivocal public comments on the order of the Federal district court served to bolster opponents of school desegregation.

3. Because of the Boston School Committee's position of unyielding opposition to desegregation and its minimal compliance with the Federal district court order, the court was forced to implement its decision to desegregate through a series of detailed orders formulating educational policy and directing the administrative process.

4. Despite serious deficiencies in the planning and actions of the local police and Boston School Committee and sensationalized reporting of violence in South Boston by the national media, the overwhelming majority of schools in Boston which desegregated did so without difficulty. Significantly, the local news media, visual as well as written, provided balanced coverage of Phase I.

Denver, Colorado

School desegregation in Denver has involved nearly two decades of organized community activity. As early as the late 1950s, individuals in the Park Hill section of the city organized to fight the growing segregation of neighborhood schools.[45]

Growing steadily since the 1950s, Denver is the major city of the Rocky Mountain region, with an economic base largely in professional services, trade, and public administration. It houses a considerable number of offices for agencies of the Federal Government.

The city's population is slightly over half a million, and 1975 estimates of the minority population indicate that more than 20 percent are Hispanic and about 12 percent are black.[46] Asian Americans and American Indians account for about 3 percent of the minority population. The student population of Denver's 122 public schools has a higher percentage of minorities than the general population, roughly 50 percent white, 27 percent Hispanic, and 19 percent black.[47]

School District No. 1 and the city and county of Denver have the same geographical boundaries, but fiscally and politically, the school district is independent of the city. It is governed by a s[illegible]member board of education elected for staggered 6-year terms. The membership and ideology of the board of education has been in constant flux since the mid-1960s when school desegregation became a serious issue in Denver.

Concern over segregation developed over a period of many years as the community witnessed the various techniques by which the school board and administration manipulated the distribution of students. Mobile classrooms were used to increase pupil capacity at black schools instead of assigning students to underutilized white schools. As the minority population increased and residential patterns changed, attendance zones were changed and new schools were located in such a way as to contain blacks and continue the segregated education of black children. The exasperation of the community increased when the school board failed to respond to reports and recommendations submitted in 1962 and 1969 by the board's own citizens' committees assigned to study equality of educational opportunity.[48]

Community pressure for action reached a peak following the assassination of Dr. Martin Luther King on April 5, 1968. On the night of April 25, thousands of citizens attended a public school board meeting where Rachel Noel, the first black school board member, introduced a resolution instructing the school superintendent to submit an integration plan by the following September. The Noel resolution was passed at a subsequent meeting by a vote of 5 to 2.[49]

Three resolutions the following spring provided concrete measures to alleviate school segregation. However, a school board election was held shortly thereafter which brought two new antidesegregation candidates to the board, and the first action of the new board was to rescind these resolutions, bringing to an end 10 years of cumulative effort to desegregate the schools.[50]

On June 19, 1969, eight Denver schoolchildren and their parents filed suit, initiating nearly 6 years of litigation that would include two appeals to the United States Supreme Court.[51] In its first major desegregation decision outside the South, the Supreme Court ruled in June 1973 that the school board's segregative acts in one part of the city could require systemwide remedies. The Court also held that "Negroes and Hispanos in Denver suffer identical discrimination in treatment when compared with the treatment afforded Anglo students."[52] In April 1974 the Federal District Court for Colorado issued its final decree ordering desegregation of the Denver public school system. Both plaintiffs and defendants again appealed to the Supreme Court, and in January 1976 the Court declined to review the appeals.[53]

The U.S. Commission on Civil Rights held a 3-day hearing in Denver in February 1976 to examine closely all elements of the city's school desegregation efforts. More than 120 witnesses---Federal, State, and local officials; school administrators and staff; community leaders; parents and students--provided testimony on desegregation as they told the overall story.

Witnesses gave various opinions about expending so much time and money on lengthy court battles and appeals. Mrs. Noel told the Commission she considered the suit a necessity because "there was no real commitment...no real firm movement in the direction [of desegregation] until the suit was filed."[54] From a different perspective, School Superintendent Louis Kishkunas saw the process as "a necessary exercise to achieve whatever success we may achieve here." He said he thought the school district had been unduly criticized for appealing the case so vigorously, but the Supreme Court decision had removed all doubt about the issue.[55]

For successfully implementing "an unpopular court order," the superintendent credited the community for maturity and the staff for professionalism. He praised the school board for directing the use of "all available means at their disposal for an orderly and humane implementation of the orders of the district court so long as the order remains in effect."[56]

Other testimony, however, did not credit either the board or the school administration with more than minimal compliance, characterized by footdragging and inconsistent leadership. Several witnesses agreed with Katherine Schomp, a school board member whose assessment was that the board has been unable or slow to act on problems incident to desegregation and has contributed few ideas or programs to the educational improvement of schools.[57] She listed some specific criticisms:

> The practice of blaming every problem in the schools on the desegregation order...A refusal to devote sufficient resources of personnel, time, and money to...deal positively and humanely with integration. A refusal to establish some kind of communication with the Community Education Council, thus failing to take advantage of a tremendous community resource.[58]

The Community Education Council was named frequently as the most significant source of leadership in implementation of the court order. The council, created by the district court, was composed of 40 community leaders. Its chairman, Maurice Mitchell, chancellor of the University of Denver and a former Commissioner of the U.S. Commission on Civil Rights, said:

> The judge created a committee of citizens, not policemen or lawyers to sit around and nitpick his decision endlessly, but a committee of citizens and asked them to tell him how to make the decree work better.[59]

The council played a key role in educating the community on the constitutional requirements of the desegregation order. Its members also worked within the schools, monitoring the process and keeping the court well apprised of the implementation of the order.

The superintendent opposed creation of the council and sought to reduce its monitoring role because he "didn't agree with the necessity of having such a commission or someone looking over our shoulder."[60] However, the council received consistent support from the court and was able to work well with school personnel, particularly at the principal level.

The positive leadership of principals who believed that integration would work was also repeatedly credited for the overall smoothness of Denver's desegregation. Catherine Crandall, president of the Parents, Teachers, and Students Association, said:

> Schools that had good administrative leadership were able to correspond better with the teachers within the school building, who were then able to transmit their feelings to the students and parents.... They could [then] proceed on a much more harmonious basis....[61]

Many witnesses told the Commission that widespread and continued involvement of citizens was the major reason for the absence of violence and hostility that desegregation decrees have met in other cities. Mentioned frequently as a highly successful example of citizen action was an organization called PLUS (People Let's Unite for Schools).

This coalition of 49 organizations was created in April 1974 to promote the principles of obedience to the law, safety for all schoolchildren, and excellence of education in Denver.

Leaders of the religious community in Denver, through ecumenical efforts of the Council of Churches and individual participation in PLUS, also were an active moral force supporting peaceful school desegregation. Melvin Wheatly, Methodist Bishop of Denver, testified:

> We communicated with all of our clergy from the beginning of the plan...that our position [for the integration of schools] is unequivocal...part of the design that we interpret as God's will.[62]

Bishop George Evans of the Roman Catholic Archdiocese of Denver said that a directive was sent to Catholic parishes "alerting them...that Catholic schools are dedicated to the principles which are at the heart of democracy and in no way would be a haven for those trying to flee the law."[63]

The Denver Chamber of Commerce, the Denver Commission on Community Relations, and many public officials worked individually, with community groups, and with District Court Judge William Doyle urging "community support for the acceptance and good faith implementation of the court order."[64] The mayor and police chief early issued statements urging peaceful implementation of the school desegregation process.

Witnesses agreed that the media was cooperative, fair, balanced, and responsible in its coverage throughout the desegregation process.[65] Except for the efforts of individual faculty members, institutions of higher learning in the Denver area were criticized as indifferent to "the leadership role that they are both capable of...and have a responsibility" to exercise.[66]

The best assessment of the effects of desegregation was given by those whose lives are most affected, students, parents, and teachers. Several teachers testified that, in general, policies which have advanced school desegregation also have a beneficial effect on other aspects of the educational process, including academic achievement. Included were comments such as: "the desegregation process brought a new atmosphere...new enthusiam for learning," "the level of parental involvement has improved," "attendance...attitude...has improved...school has come alive."[67]

Rex Jennings, president of the Chamber of Commerce, described the desegregation experience of his son, a high school student:

> ...academically...the process has had no [negative] influence...integration of that school has had a very meaningful influence upon his having a better understanding of human nature and gaining a new appreciation for people of minority races....[68]

Radio executive Gene Amole said the experience for his daughter had been "an enrichment...a very positive aspect" of desegregation.[69] Another parent, Richard Nuechterlein, said it was a "positive experience for our family and for the neighborhood."[70]

Ted Conover, a high school senior, said that tension had existed the first few weeks after desegregation, but "in time everybody adjusted and settled down." He added:

> It's been a positive experience for me and...for the people who stuck it out and really tried to make something of the school.... Integration puts a lot of people through a lot of personal, family, and individual changes, but with the proper preparation and positive attitude...it can be a very worthwhile experience.[71]

Witnesses representing the Hispanic community testified that despite some real gains toward a desegregated system, they remained concerned about ethnic discrimination, cultural isolation, the failure to provide quality education for language-minority groups, and the lack of affirmative action for Hispanos. Chancellor Mitchell, chairman of the Community Education Council, agreed:

> ...the question of how they have been dealt with and how they have fared with this decree and how

> they should expect to be treated by the school district and by the citizens of this community [is] one...of the loose ends that has never really been tied up.[72]

The issue of bilingual-bicultural education received considerable attention at the hearing as it had in the Keyes litigation. Several witnesses testified that school officials have shown no enthusiasm for bilingual-bicultural programs although Hispanic students are the largest minority group in Denver's schools.

A school board member criticized those who refer to bilingual-bicultural education as a "problem" saying, "28 percent of our children are Hispano and have Hispano heritage...[this] should not be a problem but an advantage and something of which we should be taking advantage constantly in this school system."[73]

School officials contended that, in response to the demands from the Hispanic community, they have instituted various programs which meet the language and cultural needs of the children, and an expanded program is being developed for 10 more schools pursuant to Colorado's Bilingual and Bicultural Education Act of 1975.[74] Hispanic community leaders and educational experts, however, remain extremely critical of the system's "ineffective, fumbling, weak, and inadequate effort."[75] The records of the Community Education

Council's bilingual-bicultural committee show "a steady stream of complaints about the lack of a viable program"[76] and positive suggestions offered by the council have not been put into effect.

More aggressive recruitment of Hispano teachers and real affirmative action at the classroom as well as the administrative level were mentioned repeatedly as major needs of Hispano students. According to Jim Esquibel, former president of the Congress of Hispano Educators, the Denver school system has failed for years to respond to this need.[77]

Minorities in Denver appear to look to the future with cautious optimism. They agree that constant vigilance and monitoring of the system are necessary, as Lt. Gov. George L. Brown suggested:

> I don't trust the system to do the things that are right...if they are not examined thoroughly and continually...they will easily fall back and adopt the practices and procedures of that portion of our community which doesn't believe in...equality of opportunity...[78]

Many individuals agree, too, that continued progress rests, as it has throughout the desegregation process, with continued citizen involvement in the total educational process. Jean Emery, chairperson of the monitoring committee of the Community Education Council, said, "to have the community in the schools is hopefully a never-ending process."[79]

Findings

It is apparent from a summary of the preceding testimony that:

1. Leadership provided by a citizens' advisory council, established and supported by the court, and coordinated activity by a well-integrated coalition of community organizations helped school desegregation to proceed in a generally smooth and orderly fashion. Other groups which contributed to the successful implementation of desegregation include the religious community, the media, and principals at a number of schools.

2. Opposition to desegregation by the school superintendent and the school board slowed the desegregation process. The administration offered no new ideas or programs to achieve desegregation and in most instances refused to cooperate with the court-appointed citizens' advisory council.

3. Throughout the desegregation process the local media, by and large, assumed a responsible posture toward desegregation. It refrained from sensationalizing school desegregation events; presented valuable information to the

public; and reported in a fair, balanced, and responsible way.

4. Although the district established bilingual-bicultural programs for its large Mexican American school population, these programs have been inadequate. Advice from the Hispanic community and educational leaders appears to have been consistently ignored, few bilingual teachers have been hired, and adequate plans for the aggressive and affirmative recruitment of bilingual staff have not been developed.

Hillsborough County (Tampa), Florida

Situated halfway down the western coast of Florida on Tampa Bay, Hillsborough is one of two counties comprising the Tampa-St. Petersburg Standard Metropolitan Statistical Area, the second largest SMSA in Florida.[80] Processing a high degree of industrialization compared to the rest of the State, Hillsborough County has rural and agricultural as well as urban and suburban characteristics. At the time of the 1970 census, the county had a population of 490,265, 13.6 percent of which was black and 10.1 percent of Spanish origin.[81] By 1975 the population had grown to an estimated 632,500 persons.[82] Tampa, the county's principal city, had a population of 277,748 in 1970 and an estimated 297,500 in 1975.[83] Blacks constituted 54,831 or 19.7 percent and

Spanish-language persons numbered 40,349 or 14.5 percent of the total in 1970.[84]

Hillsborough County has one school system whose boundaries are the same as those of the county.[85] The Nation's 22d largest public school system, it has approximately 115,000 students attending 91 elementary schools, 26 junior highs, 11 senior highs, and 1 school for the educable mentally handicapped. Of these schools, 66 are within the city limits. Black students number 21,376 (18.1 percent) and Hispanic students number 5,662, constituting 4.9 percent of the total as of October 1975.[86]

The desegregation plan under which the Hillsborough County school system currently operates resulted from a suit filed by black parents in the U.S. District Court for the Middle District of Florida on December 12, 1958.[87] Specifically, the complaint alleged that 72 schools were limited to whites only and 18 schools were limited to blacks who were often required to travel up to 10 miles one way past closer white schools to attend a black school.[88] When the suit finally came to trial in 1961, the court found for the plaintiffs and accepted a freedom-of-choice desegregation plan submitted by the Hillsborough School Board. This plan also contained a provision for year-by-year dissolution of separate attendance areas beginning with the first grade in the 1963-64 school year.[89]

In 1968 plaintiffs returned to court contending that the plan had failed to desegregate the schools. There ensued a series of court orders and proposed plans, concluding with a plan adopted in August 1969 that provided, among other things, for assignment of students in every school on the basis of geographic attendance areas beginning in the 1969-70 school year.[90]

Finding the plan deficient, the Court of Appeals for the Fifth Circuit ordered (1) utilization of a variety of desegregation techniques, including strict neighborhood assignment, pairing, and redrawing school zone lines;[91] and (2) retention of jurisdiction by the district court until it was clear that State-imposed segregation had been completely eradicated. Reopening the case by its own motion in May 1971 following the Swann v. Charlotte-Mecklenburg decision, the court ordered the school board to submit a plan tailored to specific terms. The resulting plan, which the court accepted and which remains in effect today, provided for desegregation of most of the county's 89 elementary schools by clustering, with the previously black schools becoming sixth grade centers. The 23 junior highs and 3 junior-senior high schools were desegregated by clustering and satellite zoning. The white senior high schools retained their 10-12 grade structure and the black senior high schools were converted to different grade levels.[92]

In 1972 and again in 1973, Commission staff visited Hillsborough County to observe and report on the desegregation process.[93] In March 1976 the Commission returned to Hillsborough to conduct a 3-day hearing at which witnesses testified about the school desegregation process.[94]

There was a consensus among witnesses that the comprehensive desegregation plan developed pursuant to the court order of May 11, 1971, was implemented smoothly. Hearing witnesses collectively cited numerous reasons for this, but two factors stood above all others. One was the broad range of community involvement sought by the school system in developing the plan. A 150-member Citizens Desegregation Committee was organized, consisting of a complete cross-section of people from all walks of life representing all geographical areas and ethnic, racial, and religious backgrounds.[95] Explaining the reasoning behind this policy of broad inclusion, school administrator E.L. Bing stated:

> It appeared to us that if we in Hillsborough County were to come up with a plan that was going to really be effective and accepted by the public

> and had assurances of some built-in chance of success in terms of implementation, then we really needed to put the problem back where the problem really existed, and that is with the people because the schools belong to the people.[96]

The second paramount factor was the positive role played by various leadership elements within the school system and in the community at large.

The Hillsborough County School Board set the tone for peaceful implementation by accepting the recommendations of the district court judge that the plan provide for an approximate 80-20, white-black ratio throughout the system. Although the school board could have appealed the subsequent court order, it chose not to do so but instead declared forcefully its unanimous position that the board would comply with the law. School Superintendent Raymond Shelton followed, taking a public position that his personal views or those of anyone else were unimportant. The issues, he said, were the education of children and obedience to the law.

Other individuals of the Tampa-Hillsborough community followed this lead. Several members of the Tampa Chamber of Commerce served on the School Desegregation Committee. One businessman testified that the maintenance of a good school system was of special importance to the community's commercial interests. The Tampa Chamber of Commerce, therefore, endorsed desegregation, strongly supported the school desegregation plans of the School Desegregation Committee, and was instrumental in selling and promoting the final plan to the community. In so doing, the chamber sought to neutralize the sensitive issue of busing and to avoid school disruptions that plagued some cities experiencing school desegregation.

By all accounts, the media---newspapers and television---also acted responsibly in reporting on desegregation of the county's schools. According to Joseph Mannion, director of news for WFLA-TV, the television station maintained a policy of providing information about the plan and its implementation in a noninflammatory manner. Paul Hogan, managing editor of the Tampa Tribune, said that the paper counseled the local community to accept the Federal court ruling and the inevitability of school desegregation and busing as a means toward this end. The newspaper editorialized:

> Parents, white and black, can help in the adjustment by not planting prejudice or fears in the minds of their children. Youngsters, left to themselves, generally have no problem in getting along together.[97]

Religious leaders and law enforcement administrators played lesser although essentially positive roles in the county's desegregation crisis. Acting independently of one another, most clerics urged their congregations to accept desegregation as in keeping with the Judeo-Christian tenet of the equality of people before God. Regarding collective action, however, one minister testified that religious organizations and associations had a role to play at the time of desegregation, but they did not become involved.

Representatives of the county and the city police departments made contingency plans with school officials in preparation for implementation of the plan. Both police groups stressed the importance of opening and maintaining lines of communication with students and avoiding a show of force in resolving confrontations. Illustrating this point, Sheriff Malcolm Beard described a minor fracas at Plant High School at the time of plan implementation:

> I found that we were very acceptable to the kids. As a matter of fact, one young man...came off the bus. He was obviously a leader. He was a black kid. He was a football player. And he walked up to me and put his arm around me and I put my arm around him and he told me to go back to Tampa, that they were not going to have any trouble that day. So that is what I did and we didn't have any trouble.[98]

Elected county and city government officials testified that they avoided involvement in the desegregation controversy in the belief that this was a matter for the school board alone to address.

High school students testified that relations among Latin, black, and white students have improved generally since desegregation. A white youth stated:

> On the whole, when I was young the blacks tended to be looked down upon, especially in elementary school. In high school it seems to be different. There seems to be more cohesiveness among the young.[99]

A Latin youth indicated that most students now judge others by personality rather than by racial background:

> I remember in one case there was one white who wasn't really liked by his other white friends, but they...said, "Even though we don't like this guy, if he ever got in a fight with a black we would have to back him up." And I don't see this now.[100]

On the whole, junior and senior high school students seemed to feel that desegregation was working well. Most students either liked or did not mind the busing involved, and seemed to enjoy their schools. A black student leader indicated that the contributions of minority groups should be incorporated into the social studies curriculum.

By virtually any standard that might be applied, the Hillsborough County school desegregation plan of 1971 was implemented successfully. Picketing and boycotts were nonexistent, and the student disruptions that occurred were minor. Few whites chose to leave their assigned schools, perhaps due to the countywide nature of the plan, and the curricular improvements underway throughout the system prior to plan implementation. Of those who left, however, most reportedly have returned. School officials also testified that achievement test scores have improved, that greater numbers of minority students are seeking higher education and other kinds of postsecondary study, and that both black and white students have benefitted from interracial experiences.

There is evidence, however, that some problems persist in the county schools. One of these concerns voluntary participation of minorities in school affairs. School officials testified that despite the provision of buses for special activities, minority students, except athletes, generally have not participated in extracurricular activities. Similarly, minority parents reportedly have been reluctant to join PTAs and to participate in school programs. On the other hand, minority witnesses stated that while the black community continues to support desegregation, many are concerned about such problems as the disproportionate numbers of black students disciplined, and instances of racial and ethnic insensitivity and prejudice demonstrated by some white teachers.

School officials acknowledged that proportionately greater numbers of black students have been suspended, but they maintained that discipline has been administered fairly. One administrator suggested that the suspension rate for black students in Hillsborough County schools is roughly equivalent to the national suspension rate for black students. Upon request of the local NAACP chapter, however, the U.S. Department of Health, Education, and Welfare investigated the Hillsborough school system and found possible discrimination in disciplinary practices. One minority leader suggested that mandatory human relations training for all teachers could be one approach to solving the problems of black student suspensions and racial insensitivity displayed by some white teachers toward black students. School officials have rejected this approach, and although the absolute number of students suspended has been decreasing in recent years, suspensions of black students remain proportionately greater.

Witnesses from the minority community disapproved of the large percentage of black students transported for desegregation purposes and the related conversion of two black high schools to junior high schools. Generally, white students are bused 2 of their 12 school years in order to carry out the provisions of the plan; black students are bused 10 of their 12 years. Minority representatives testified that had Blake and Middleton been retained as high schools, the disproportionate transportation would have been less severe and those institutions would continue as sources of pride to the black community. School officials said that it had been their intention to retain both facilities as senior high schools. That course of action, however, was abandoned when it became clear that a satisfactory geographic zone with a stable enrollment probably could not be maintained. One school official indicated that whites' "fears" of sending "their kids to a school that was inherently inferior" also were a factor in the decision to convert those schools.[101] They also indicated that it was financially and logistically more feasible to convert the two black high schools and to disperse the minority population throughout the system than to adopt any other approach.[102]

The Hillsborough County school system has just begun to implement a bilingual-bicultural education program for its substantial number of students from non-English-speaking backgrounds. In March 1976 the school system completed a survey identifying 7,084 students from home environments in which English is not the dominant language. Although 28 different language groups were identified, the vast majority of these students are Spanish speaking. A second survey assessing the English language proficiency of these students is scheduled for completion by August 1976. Although there is a philosophical disagreement between the school administration and bilingual education program staff regarding the appropriate method for instructing non-English-speaking children, assistant superintendent Frank Farmer stated, "By 1976-77, we will have a complete bilingual program meeting the exact interpretation of the law."[103]

The Hillsborough County school system is not unlike numerous others across the Nation that have implemented desegregation plans. School officials, teachers, parents, students, and the community have made the adjustment quietly and without rancor. So smooth was their transition that they escaped the probing eyes of the national media. Like other school districts, however, Hillsborough has found that some problems remain to be resolved. A spokesperson for the school system alluded to the unfinished business as he differentiated between desegregation and integration:

> You know desegregation is a physical process of moving people and things. But integration is a long process of establishing attitudinal change....In Hillsborough County we like to feel we are moving towards integration now. That is the point of having each youngster feel that this is his school and he is not imposing himself on anyone; he is welcome; he takes pride in the school; he knows when he leaves every morning that he's going to be treated fairly and impartially; he's going to get a chance to participate in all

> the activities. This is the process we are working on in this district now.[104]

Findings

The testimony as sumarized above reveals the following findings:

1. Once final judicial action was taken and the inevitability of desegregation became apparent, numerous leadership elements including school officials, business persons, the clergy, and law enforcement officials took forthright positions in Hillsborough in favor of obedience to the law and thus paved the way for peaceful desegregation.

2. The decision of the Hillsborough County school system to involve a broad cross-section of citizenry in the planning process facilitated the smooth implementation of desegregation in the Hillsborough-Tampa community.

3. Desegregation has had positive effects on the quality of education. Achievement test scores have improved and greater numbers of minority students are seeking higher education.

4. The minority communities of Hillsborough, while still supporting desegregation, are concerned that:

(a) black students are transported disproportionately,

(b) black students are suspended disproportionately,

(c) the needs of language-minority students are not being adequately addressed, and

(d) some teachers display racial insensitivity and bias.

5. Students have responded positively to desegregation. Relations among black, white, and Hispanic students have improved. Students are more highly motivated and the number of minority students seeking higher education has increased.

6. The news media of Hillsborough provided excellent coverage of the deliberations of the Citizens Desegregation Committee and kept the community informed as to all aspects of the desegregation plan. Most of the local media endorsed peaceful implementation of the plan and avoided sensationalism in reporting it.

Jefferson County (Louisville), Kentucky

Louisville and Jefferson County form a border community in a border State. The county covers 375 square miles and encompasses 76 cities, the largest of which is Louisville. Established in 1780 as a trading post, Louisville rests on the south bank of the busy Ohio River which separates it from the State of Indiana.

The metropolitan area has long been a major commercial and business center, producing everything from household appliances and rubber products to bourbon whiskey and baseball bats. Although it is also a financial and insurance center, Louisville's dependence on industry has made it a working person's town. General Electric Appliance Division is the largest single employer (20,000) followed by the Jeffboat Co. (16,000) and Ford Motor Co. (7,544).[105] In 1971, 84 unions were represented in the area by 219 locals.[106] More than 80 percent of the employees in manufacturing industries are organized.[107]

The county's population in 1975 was estimated at 733,220, of whom 327,500 reside in Louisville.[108] As is the case in many metropolitan areas, the vast majority of the area's 13.7 percent black population lives in the city, which is 23.8 percent black.[109] The Jefferson County public school system serves the entire metropolitan area and includes 121,763 students; 28,510, or 23.4 percent, are black.[110]

Prior to 1975, there were two school systems, one serving the city of Louisville, the other serving the surrounding county. Because the city's corporate limits extended beyond the Louisville school district lines, some 10,000 students who lived outside the school district but within the city limits, were in fact included in the Jefferson County school district,[111] but were permitted the choice of attending city schools, tuition paid by the county.[112]

The two systems merged in April 1975 when the Louisville system, as provided for by Kentucky law,[113] voted itself out of existence and was subsumed by the Jefferson County school system. Although merger had been discussed for 20 years, it was ultimately necessitated by the failing financial condition of the city schools.[114]

The Jefferson County Board of Education now has 13 members. That number will fluctuate until 1978 when it will stabilize at 7 members elected from newly drawn districts.[115] There is considerable duplication of positions within the merged school administration. There are 35 positions titled "superintendent." The head of the new system is the former county superintendent, and the former city superintendent became one of three deputy superintendents (the other two are former county administrators). Administrative problems involved in merging the two different school systems are still being resolved. Sometimes described as educationally "progressive and urban oriented," the Louisville school system prior to merger had 45,000 students, 54 percent of whom were black.[116] Reflecting its not too distant rural past, Jefferson County's educational approach was described as "traditional."[117] The county had a relatively wealthy school system as a result of population growth from an influx of new businesses and families moving from the city. In 1950 county school enrollment was 16,000,[118] but at the time of merger the figure had soared to 90,000 students of whom only 4 percent were black.[119]

The two systems had one thing in common--both were unconstitutionally segregated, despite the fact that in 1956 both had formally abolished the dual school system that had been legally sanctioned in Kentucky.[120] Black students in Jefferson County had been assigned to a few majority-black schools that were underutilized, while nearby majority-white schools were operating with enrollments greater than capacity.[121] Portable classrooms and double shifts were used to accommodate the burgeoning numbers of white students. In Louisville a voluntary open enrollment policy operated to promote racial separateness; students simply transfered to schools where they would constitute the racial majority. More than one-third of the Louisville schools in 1973 were 90-100 percent black and another one-third were 90-100 percent white.[122]

Four months after merger, on July 17, 1975, the Jefferson County Board of Education was ordered to implement a desegregation plan by September 4, 1975.[123] This order climaxed 4 years of litigation initiated in 1971 when suit was filed against the Jefferson County Board of Education.[124] In 1972 a suit was filed against both the city and county boards of education seeking expansion of the Louisville district to include all areas within the city limits.[125] Subsequently, the NAACP intervened and sought desegregation and merger. From then on desegregation and merger became inseparable issues.

The case against both school boards was dismissed by the Federal district court, but in December 1973 the Sixth Circuit Court of Appeals reversed that decision.[126] With respect to merger, the circuit court held that upon a finding of unlawful segregation in neighboring school systems and a determination that only by means of a desegregation plan encompassing both school systems can the schools be desegregated, a district court has the power to devise a remedy which crosses school district lines. The circuit court noted that "school district lines have been disregarded in the past in conforming to State-enforced segregation."[127]

Although a desegregation plan that crossed city-county boundary lines was approved by the district court, merger and desegregation came to a halt after the Supreme Court's decision reversing the sixth circuit's order requiring interdistrict desegregation between Detroit and its suburbs in Milliken v. Bradley.[128] In December 1974, however, after reviewing the Louisville-Jefferson County case in light of the Milliken decision, the Sixth Circuit Court of Appeals reinstated its previous decision, ruling that the county is the basic educational unit of the State in Kentucky and the State law provides for merger.[129] Petitions for review to the Supreme Court to reverse this decision were denied in April 1975.[130] By this time merger was in process pursuant to State law.

The Louisville desegregation plan[131] stipulates that black student enrollment in elementary schools be no less than 12 percent and no more than 40 percent. At the junior and senior high levels, black enrollment is to range between 12.5 percent and 35 percent.

The primary means for implementing the plan is clustering schools that were previously predominantly white or black and transporting students within each cluster. Unlike most desegregation plans, which transport students according to geographic determinations, the Louisville plan determines which students are to be transported by the first letter of their last name. The plan calls for 84 percent of white students to be transported for 2 of their 12 school years and 16 percent to be transported for 1 year. In marked contrast, 66 percent of black students are to be transported for 8 years and 33 percent for 9 years. The plan also calls for reassignment of administrators and supportive staff, teachers, and classified personnel to reflect the systemwide racial composition of the staff.

The court order of July 1975 by no means marked the end of the struggle to desegregate the schools. The following August the merged school board sought a stay of implementation. Although the stay was denied, the school board appealed the plan and the case was argued before the circuit court in June 1976.[132] The county's chief executive officer, County Judge Todd Hollenbach, intervened at the district court level and joined in the appeal, arguing against the use of busing. His alternative plan was rejected by the district court after testimony that the plan would not eliminate the remaining vestiges of State-imposed segregation.[133]

Since the original court order to desegregate in July 1975, the school board has twice been permitted to extend the exemption of first graders from transportation. In December 1975 the court agreed to an interim exemption of first graders from the plan throughout the remainder of the school year,[134] and in March 1976 the school board proposed and the court approved extending the exemption through the

1976-77 school year, but ordered that first graders be transported as all other grades after that time.[135]

In March 1976 Commission staff went to Louisville to study the process of school desegregation. After 3 months of investigation, the Commission held a 3-day hearing June 14, 15, 16 in Louisville during which 117 witnesses were called to testify.

One of the most important facts to emerge from hearing testimony was that opposition to school desegregation existed only to a limited degree among the students. Student testimony highlighted the fact that the protests and occasional acts of violence staged by some groups had made it difficult for the students to settle down and accept the first year of desegregation in stride:

> The entire community was just sort of negative on the school system and it just drifted down and affected everyone.[136]
>
> We had a lot of trouble at the beginning of the school [year] because the parents would come out and protest in front of the school.[137]
>
> The worst thing that happened was our first football game was cancelled...because of demonstrations at Southern and Durrett. The only thing wrong at Thomas Jefferson was the things that happened around us....Other than that our school year went really good.[138]

A student testified that significant changes occurred within the schools when community protests abated:

> I think after a lot of the protesting died down, [and] a lot of the media treatment of "the schools are being desegregated this year"...some of the antagonism just went away....When it was possible for the students to start forgetting that they were being bused...they would forget about it....I don't think there was hostility towards the end of the year.[139]

Although organizations were established as early as 1971 to prepare the community for desegregation, the lack of official channels for input from these groups resulted in their having little effect on the implementation process. Numerous witnesses testified that traditional community leaders--elected county and city officials, the clergy, business, organized labor, higher education--did little to urge the community to adhere to the court order or to promote acceptance of desegregation.

Suzie Post, women's coordinator for the Louisville and Jefferson County Human Relations Commission, testified that desegregation was ordered immediately prior to a general election and "every politician immediately jumped on an antibusing bandwagon....I don't think there is any question in many of our minds that with some leadership from our elected officials, we could have gotten through this situation in a much more constructive, healthy way."[140]

The executive director of the Kentucky Commission on Human Rights, Galen Martin, testified that some individuals in leadership capacities thought that a neutral posture would be sufficient to ensure peaceful implementation. He said that many supported law and order but did "nothing in support of desegregation and ended up contributing to the confusion."[141]

Lois Cronholm, who chairs the Louisville-Jefferson County Human Relations Commission, said that she had been "markedly unsuccessful" in getting public leaders to express a commitment to the court order.[142] Most of them "did not really want to face the fact that it was going to happen," she said.[143] County Judge Hollenbach testified that although he and Louisville Mayor Harvey Sloane had appointed a Community Consensus Committee to prepare the community for desegregation, county funds provided to the committee in 1974 were not reallocated the year schools were desegregated.[144] He explained that time constraints had made it difficult for him and Mayor Sloane to continue meeting with the committee.[145]

Both the county judge and the mayor have proposed alternatives to the court order, and one witness said he thought this served to keep people from accepting the court order.[146] Judge Hollenbach's alternative desegregation plan is essentially a variation of voluntary open enrollment.[147] He said he believes that "the remedy applied by the Federal court was far excessive of what it should have been."[148] In testimony provided the U.S. Senate Committee on the Judiciary October 29, 1975, Mayor Sloane advocated "an alternative judicial approach for school desegregation."[149] During the Commission's hearing in Louisville, he explained that a "National Commission on Quality Education would relieve the responsibility from the judge in the district courts of making determinations as to desegregation."[150]

Some witnesses said that the absence of leadership in support of the court order fueled the determination of those individuals bent on disruption. Lyman Johnson, president of the Louisville chapter of the NAACP stated: "When the mayor and the Governor and the county judge abdicated leadership responsibilities...that gives the violent prone elements in our community a chance to run wild."[151]

A major outbreak of violence occurred on the second day of school in the southwestern section of the county, in the vicinity of Valley High School. Injuries were suffered by 91 county policemen and State troopers, and county and State police officials estimated that the violence cost their departments over $1 million.[152] Hearing testimony leaves many unanswered questions as to why the violence was not contained.

The Louisville chief of police, Col. John Nevin, testified that on September 5, 250 to 300 officers trained in riot control were mobilized and waiting to assist county police if needed.[153] According to Police Chief Nevin, when the county police were unable to control demonstrations and requested city support, Judge Hollenbach refused to call for assistance from the city police.[154] Judge Hollenbach explained that he believed "the city needed [their police] resources to assure and reserve the peace in the city."[155]

Witnesses criticized the Chamber of Commerce for not taking a firm stand in support of peaceful desegregation, although the chamber did circulate a "Community Pledge" calling for peaceful desegregation which was published in the morning and evening papers August 1, 3, and September 3.[156] However, some businesses refused to sign as an expression of opposition to the court order.[157] Others refused to sign or withdrew their signatures in the face of adverse public reaction. Robinson Brown, president of the Chamber of Commerce, explained that the pledge was misunderstood because "antibusing groups...accused people of being probusing if they were not antibusing."[158]

There were many serious incidents of intimidation directed at businesses that refused to display antibusing posters. An official of a company that operates local variety stores stated that his refusal to place antibusing posters in his store windows led to attempts to burn down one of the stores. As a consequence, he said, the company decided to display antibusing signs,[159] and requested Chamber of Commerce support in the face of a proposed antibusing boycott of businesses. The chamber took no action. "This was a time when [the Chamber] should have stood up for the business people, and they did not," he said.[160]

A manager of one of the variety stores, who described himself as against busing because he believes it impractical, said that he was harrassed after he refused to join the Ku Klux Klan and to display antibusing signs. He noted that persons who normally came into the store stopped coming, and others came specifically to harrass his sales people. Store windows were broken, he said, one the result of a shotgun blast.[161]

The failure of the business community to unite in support of peaceful desegregation was matched by the labor unions, united in their opposition to the desegregation plan. The management of General Electric refused to sign the community pledge calling for peaceful desegregation,[162] and approximately 95 percent of GE's employees were absent from work on September 4 and 5 in protest against the desegregation plan.[163] Despite the fact that the national policy of the American Federation of Labor, the Congress of Industrial Organizations, and the United Auto Workers was supportive of busing, members of local chapters formed an organization called United Labor Against Busing and participated in antibusing demonstrations.[164]

Some witnesses said the media treatment of desegregation was fair and informative,[165] and others were critical. One witness said he believes that the media in Louisville "is better than average as compared with many other cities,"[166] and described the use of phrases such as "court ordered forced busing across racial lines to achieve balance" as unfortunate because they are misleading.[167] Another witness, citing an example of inflamatory media treatment, said that when the Supreme Court decided not to review the Boston desegregation case, a local television news program chose to use a picture of a school bus with the slogan, "Supreme Court Ignores Boston."[168]

Some witnesses cautioned that unless community organizations and elected officials take an affirmative stand in support of desegregation, the protests and disruptions that marred the opening of school in 1975 could be repeated in 1976.[169]

The absence of strong leadership among elected officials and community groups also prevailed in the Jefferson County Public School System. A school board member testified that he felt strongly that the board should have gone on record in support of "carrying out the judge's order...[but] there was no way this could have passed this board."[170] The school board was divided not only on the issue of desegregation but also on philosophies of education, apparently as a result of dissimilar experiences in the former city and county systems. Board divisiveness was communicated to the staff and consequently was destructive in terms of administrative functioning.[171]

Joel Henning, a former school assistant superintendent who helped design the desegregation plan, identified four problem areas that he said threaten the integrity of the plan: a disproportionate number of black students are being suspended; hardship transfers, which allow students to be exempted from reassignment, have been granted to a greater extent to white students and thus have the effect of maintaining the former racial identity of the schools; enrollment in the Alternative School for students with serious disciplinary problems is disproportionately black, while enrollment in Youth Development Programs for students with less serious problems is disproportionately white; and the exemption of first graders from transportation changed the racial makeup of the schools specified by the court order.[172]

A black community leader said that the disciplinary code results in disproportionate numbers of black students being suspended and is an institutionalized means for pushing black students out of school.[173] She suggested that the school board find alternatives to suspending students.[174]

Several black community witnesses and Deputy Superintendent Milburn Maupin, the former Louisville school superintendent, expressed anger that a grant to study the suspension problem had been refused by the school administration.[175] Although another deputy superintendent explained that the grant was turned down because it was too heavily research oriented,[176] Mr. Maupin said he believed that "we ought to be jumping at any study on suspensions because little is known on how to solve the problem."[177]

A white student gave her views on student suspensions:

> The blacks are better known because they are caught so often. The whites aren't, because the whites seem to be able to get out of it. They always make up excuses. It is easier for a white to get out of class than a black because...[the teachers] think [black students] are lying to them, whereas they will believe [a white student] sooner.[178]

There are indications that some schools are beginning to face the suspension problem. Deputy Superintendent Maupin testified that a school principal had told him that: "I am convinced that whatever the reason I might have had, my posture on suspensions is just not effective, and I am changing that.[179]

Students in Louisville appear to be adjusting well to desegregation, and many student witnesses testified that desegregation is a positive experience:

> If I hadn't gone to Thomas Jefferson, I would really be a narrow-minded person, because before I went there I went to a private all-white school, and I had no idea what other people were like; I didn't want to associate with anybody except whites. But at Thomas Jefferson, I got to where color didn't matter to me.[180]

Testimony also indicates that students often took the initiative to help other students adjust to their new school. One student said:

> We met the buses the first two or three days...and accompanied students to the classrooms and we introduced them to the teacher and other people around the schools...so they would feel more at home.[181]

The schools had different ways of easing tensions that resulted from community controversy about desegregation. The county school administration developed a human relations program to facilitate the desegregation process in the schools and in the community by promoting interaction among students and parents. The sponsor at Shawnee High School explained that the program was designed "to prepare our students to meet their anxieties....So we began setting up discussion groups, small groups of students, and they began discussing any problems in the school.[182]

A student testified to the effectiveness of the program: "I think it is good because people got to express their feelings publicly instead of keeping everything locked up inside of them."[183]

In response to student and teacher concerns, one school provided a suggestion box to gather ideas for recommendations to the human relations committee. The same school developed a rumor control system to keep students informed of facts concerning any school incident.[184]

Despite the difficulty with which desegregation was implemented in the Jefferson County Public Schools and notwithstanding the problems that remain, education in the schools has carried on. A teacher characterized the school year in the following manner:

> It has been a different year. It has not been a good year, it has not been a bad year. We consider ourselves at Smyrna very fortunate that things have gone as well as they have. We had a fairly good year.[185]

Community disruptions that caused tensions and anxiety among students and teachers in the first quarter of the

1975-76 school year have ceased. There appears to be a gradual realization that school desegregation is there to stay. A white parent explained:

> At the beginning I was a little bit disappointed that [my son] was to be bused from his home school. But we decided, my husband and I, that if this was to be his life, then we would go right along with him. And he seemed to be happy, and he went to Central and he began to love Central. He said there was something there that he had not found any place else.[186]

Referring to the fact that black children are bused to a greater extent than white children, a black parent explained his rationale for accepting the court order:

> Black people have been unhappy so long, but we are used to it. The black community understood the dilemma of busing, how inconvenient it was and is for young children to be on the corner...to catch a bus...but we felt that it was worth the sacrifice...if that young child doesn't get on the bus to get an education, he may be on that corner the rest of his life.[187]

Findings

The above summary of testimony from the Louisville hearing contains the following findings:

1. Elected county officials abdicated their responsibility to maintain law and order and to take an affirmative stand in support of the desegregation order, and thus perpetuated the belief of opponents to desegregation that demonstrated opposition would yield results. The failure of County Judge Hollenbach to request city police assistance in the

face of disruptions on September 5, 1975, in the southwestern section of the county resulted in extensive property damage and bodily injuries.

2. Although the Chamber of Commerce made some initial attempts to unify the business community in support of peaceful desegregation, it yielded to intimidation from dissident elements in the community. As a result, many businesses that would not have supported antibusing forces publicly did so in order to protect themselves and their property.

3. In spite of community disruption, the schools desegregated peacefully and with minimal difficulty. Well developed human relations programs in individual schools facilitated the desegregation process.

4. Students generally responded positively to desegregation. Any tension and anxiety that existed was generated by community controversy and opposition. When community opposition abated after the first quarter of the school year, students settled down and accepted the first year of desegregation as a normal school year.

5. The failure of the school board to commit itself to carrying out the court order has contributed to a trend towards resegregation. Hardship transfers granted to a greater degree to white students and the exemption of first

graders from transportation have changed the racial makeup of the schools from that specified by the court order.

6. The failure of the school administration to examine the causes of disproportionate suspension rates for black students and a similar failure to evaluate assignment practices that place a disproportionate number of black students in the Alternative School have caused members of the black community to question the integrity of the school administration.

FOUR STATE ADVISORY COMMITTEE OPEN MEETINGS

Berkeley, California

Berkeley was one of the first northern school districts to desegregate voluntarily. Located within the metropolitan San Francisco bay area of northern California, the city has a population of 116,716.[188] Approximately 62.5 percent of the city's population is Anglo, 23 percent black, 9 percent Asian American, and 5.5 percent of Spanish origin.[189]

In October 1975 the school district reported an enrollment estimated to be 45 percent white, 42 percent black, 7 percent Asian American, 3 percent Chicano, and 3 percent all other.[190] The ratio of minority to majority students has remained stable since desegregation was implemented 8 years ago.[191]

Efforts to desegregate the public schools began in 1957 when the local NAACP chapter proposed to the school board that a citizens' advisory committee be appointed to study the problems of segregation in Berkeley schools.[192] Such a committee was appointed. It sponsored numerous meetings with school personnel and community representatives and submitted a study of educational opportunities in the district.[193]

In 1963 the board voted to desegregate the junior high schools and to study methods for desegregating the elementary schools at a later date.[194] During the public meeting conducted by the Commission's California Advisory Committee in the spring of 1976, Judge Spurgeon Avakian, a former board member of the Berkeley school district, said of the board's decision:

> First of all was the conviction of the board that in our modern society, equal rights and equal opportunities are meaningless without equal education. Secondly, there was the belief that equal education is impossible in a segregated setting. And finally, there was a feeling on the part of the board that the community of Berkeley was ready to take a major step in trying to reduce some of the inequities which were prevalent in our society.[195]

Board and community representatives alike said that the strong leadership exerted by several superintendents and the school board plus community participation were critical elements in the successful implementation of desegregation plans in 1964 and 1968.

According to Judge Avakian, opposition to desegregation from all strata of the community took the form of attempts to delay desegregation.[196] this opposition took the form of a recall election for members of the board who supported desegregation. The attempt to have these board members recalled failed.[197] the recall election divided the community, Judge Avakian viewed the outcome as positive:

> ...[The outcome of the election] resulted in an overwhelming expression by the community of support for what had been done. The vote was something like 62 percent [against recall] to 38 percent [for recall]. And it meant that all of the people who were saying that this was a misguided decision...had to accept the decision of the community....It enabled the school system then to deal directly with the problems of implementing that decision without constantly having to deal with critics who were harping that this was not the will of the community.[198]

Elementary schools were desegregated in the fall of 1968, accompanied by faculty desegregation and extensive inservice training. The plan required all students to ride buses during some part of their elementary school years. The school administration, as well as parents, monitored the bus rides closely the first years and assured themselves that safety and convenience prevailed. "Really and truly," Carol Sibley, former president of the Berkeley School Board, told the California Advisory Committee, "busing has not been much of an issue in Berkeley since we began it. We had very few complaints."[199]

There were also few if any complaints about racial violence in Berkeley schools during implementation of desegregation. The number of racial incidents was minimal and very few could be traced to desegregation.[200] Alan Young, a school counselor, testified that behavior which would normally be considered merely aggressive or even playful if it occurred between two students of the same race was interpreted by overreacting white parents as a racial incident if students of different races were involved.[201] Moreover, the California Advisory Committee heard testimony that since desegregation there has been minimal physical disruption in Berkeley's public schools.[202]

Desegregation has had positive effects on the quality of education. Dr. Arthur Dambacher, director of research and evaluation testified that achievement test scores of students within the different racial and ethnic groups had improved.[203] He also cited factors other than achievement scores that suggest positive results from desegregation in Berkeley:

> If we were to take a look at desegregation, the physical redistribution of youngsters...I feel that Berkeley gets a near perfect score....If

> we're saying that white middle-class values and behavior patterns have been accepted by all of the minority groups...then we did not accomplish that because in my opinion it was not the objective that Berkeley set out to accomplish. If we instead mean by [integration] a greater awareness of the multicultural nature of our community, then yes, we've got a good score on that.[204]

Although desegregation has been generally successful, some complaints surfaced at the open meeting. Some black and white parents expressed concern that disparities continued to exist among the achievement levels of the different racial and ethnic groups.[205] Some minority parents criticized the placement of minorities in low tracks; others complained that white teachers had low expectations of the capabilities of minority students.[206] Jesse Anthony, a music teacher in the district who is also active in the black community, said some classes are segregated:

> ...in music...you probably will find very few black students, and it's not because they are not terribly talented. It is because they are wiped out by the method of teaching, by the curriculum.[207]

Judy Bingham, a white parent, indicated that the school administration has not responded to student needs:

> I have never been of the belief that there was any reason why black students should not be given the sense that they must achieve, and I feel that the district has failed them in this regard. They failed the nonminority students as well because achievement has not been made a very big issue.[208]

Berkeley has hired minorities at administrative and staff levels within the school system. According to Gene Roh, president of the board of education: "[you] have to have minority representation from...one end of the district to the other, relative to classroom teachers, counselors, support service people and administrators...through members of the board."[209]

Dr. Laval Wilson, superintendent of Berkeley Unified School District, articulated the importance of minority hiring:

> ...the affirmative action aspect of any school district that is desegregated is very crucial because you need to have a variety of ethnic adult models [for] a variety of students.... Over a period of time we have found in our district... the percentages of staff members, certificated and classified, have proportionately increased....[210]

Although not without problems, Berkeley's experience with desegregation is a positive one. Judge Avakian summed it up:

> Berkeley...[went through]...the kind of thing every community is going to have to go through some time. And hopefully, some communities will learn from the Berkeley experience that it's not as traumatic as the critics proclaim it to be.[211]

Findings

The preceding summary of testimony provides the following findings:

1. Strong leadership exerted successively by several superintendents and the school board plus community participation were critical elements in the peaceful implementation of the desegregation plans of 1964 and 1968.

2. Achievement scores have improved for minority as well as majority students; however, disparities continue to exist among the different racial and ethnic groups.

3. The Berkeley school system hired a number of minorities, particularly for important administrative positions; however, minorities still remain underrepresented in the system's school staff.

Minneapolis, Minnesota

School desegregation in Minneapolis grew out of the combined activities of local citizens, the school board and administration, and the State board of education. The desegregation process began in 1967 when the Minneapolis Board of education, of its own volition and with the assistance of a committed superintendent, adopted human relations guidelines and established a voluntary transfer program permitting students to transfer within the school district.[212] In 1970 the State board of education issued desegregation guidelines setting a 30 percent ceiling for minority student enrollment in any school. In April 1971, 17 Minneapolis schools exceeded the ceiling and the State board ordered the school district to develop a desegregation plan.[213] Meanwhile, the local NAACP and members of a biracial group of citizens called the Committee for Integrated Education filed suit in Federal district court, charging the school district with de jure segregation of students and faculty.[214] On May 24, 1972, the court found the Minneapolis public schools segregated as a result of de jure practices, some of which are summarized as follows:

- siting and expanding schools in a manner that increased racial concentrations between schools
- use of portable classrooms at racially identifiable schools
- gerrymandering attendance zones at the senior high school level
- operating a transfer policy that had the effect of increasing existing racial isolation
- operating a policy of optional attendance zones that facilitated resegregation
- assigning minority teachers in a manner that perpetuated faculty segregation
- assigning less experienced and lower paid teachers to schools with the highest percentage of minority students.[215]

Describing the deliberately discriminatory intent of the school board in the location, size, and construction of the Bethune Elementary School, the court stated, "It is hard to imagine how a school could be more clearly denominated a 'black school' unless the words themselves had been chiseled over the door."[216] The court also concluded, "These decisions as to size and location of schools have had the intended effect of increasing or at least maintaining segregation in the defendant's schools."[217]

The court ordered the implementation of a desegregation plan that the board had already developed and approved 1 month earlier. The plan called for new building construction, the institution of several educational alternatives in the curriculum, expansion of community schools, school pairing, clustered schools, initiation of the middle school concept, magnet-type programs in the central city to attract white students, and inservice human relations training for faculty and staff.[218] The court set minority enrollment at each school at 35 percent and required progress reports every 6 months.[219] Under the 1972 plan, the court continues to require periodic adjustments to bring the enrollment of each school into compliance with the ordered ceiling. Currently, 7 percent of the city's 424,000 residents and 21 percent of the district's 55,000 public school students are minorities.[220]

Testimony before the Minnesota Advisory Committee indicated that after the Federal court issued its desegregation order, a number of organizations and institutions have played critical roles in the peaceful implementation of the plan. Dr. John B. Davis, Jr., superintendent of schools when Minneapolis desegregated in 1972, pointed out the commitments of the State board of education and the legislature, which had provided more than $4 million for a building program during desegregation, and the "remarkable" support of teacher leadership. The Federal court, Dr. Davis noted, "kept us...on our toes in terms of meeting what we said we wanted to do."[221]

Leadership was vital in smoothing the path of desegregation. Community leaders pointed out that the school board and school administration, though somewhat reluctant to initiate desegregation, later asserted a positive role during the process. According to Barbara Schwartz of the Committee for Integrated Education:

> I think Minneapolis was very fortunate to have the kind of school administration and school board we have. While there was reluctance and I think slow going in the beginning, I think it's without question that the great burden of providing leadership for desegregation rested with them....The School Board was out among its constituents explaining [it] so that...desegregation [now] is an accepted notion.[222]

Curtis C. Chivers, who served as president of the local NAACP chapter during the early desegregation efforts, commented:

> I think what helped us greatly was the fact that we had an atmosphere of fairness in Minneapolis on

> the part of people who could have given us trouble, the business community and this type of thing. We had lines of communication being kept open; we had people on the school board you could talk with.[223]

According to John Warder, who served on the school board from 1964 to 1969, the business community not only supported desegregation, but also provided funds for new educational programs and human relations projects.[224] Dr. Davis noted the importance of outspoken clergymen.[225]

As the desegregation plan was implemented, the school district also undertook a recruitment program to hire minority teachers. According to Dr. Joyce Jackson, who served as assistant director of personnel for the school district at that time, "the recruiting schedule was drastically changed in terms of the types of the schools where we went...We expanded to many colleges that were located in the South and colleges [that] had a large proportion of minority students."[226]

Desegregation under the court's jurisdiction has not been physically disruptive or violent. According to Dr. Robert Williams, associate superintendent for intergroup education, the plan was implemented, "to the surprise of many, without the violence and without the vandalism that is too often associated with school desegregation."[227] "We had relatively few incidants of violence. While there were lamentable incidents, I do not think that they were tied in any way to the effort being made to desegregate the schools."[228] The desegregation effort did not go unopposed, however, and some residents and parents of Minneapolis schoolchildren voiced their negative opinions about desegregation. In one case, the pairing of Hale and Field Elementary Schools, a lawsuit opposing the action was filed by residents.[229] The lack of violence, according to Jean Cummings, the parent of four Minneapolis schoolchildren, did not indicate a lack of opposition. The lack of violence, she said, resulted from a "law-abiding citizenry who did not care to stand up and start throwing rocks at each other."[230]

Many opponents of desegregation reportedly considered removing their children from the public schools and enrolling them in either private or suburban schools. Lowry Johnson, principal at Field School (one of the first schools involved in pairing), noted that a number of residents said, "We're going to move, we're going to run" during the early stages of desegregation. But, Mr. Johnson said, "now I would be willing to say that those that ran are running back in."[231]

Gladys Anderson, principal of Nathan Hale School, agreed, "One of the persons who was most against the pairing of Hale and Field now has his child enrolled in Hale."[232]

The opposition to desegregation evident among some parents has not been apparent among the students directly affected by the action. Dr. Williams reported that tests of student attitudes have shown that "desegregation has been very positive in the eyes of the children." "So if we're waiting for the children to be segregationists, we'll be waiting a long time," he concluded; "Children are handling desegregation very well."[233]

Principals, teachers, administrators, and students reported that desegregation was taking place both in the classroom and in extracurricular activities. Mike O'Donnell, a teacher at Wilder School, said, "I definitely feel that there is more social interaction between all students and all races in our schools."[234] Richard Green, principal at North High School, observed:

> For some reason, either through desegregation or whatever, the 9th grade class which came to North for the first time last year saw...more pupils sharing, sitting in classrooms and lunchrooms at integrated lunch tables; it was much more prevalent among the 9th graders than it was amongst the 12th graders and the 11th graders.[235]

George Sell, a white student at Central High School, said,

> I feel that it has opened my mind in going to school with people from different backgrounds and that has probably more prepared me than sitting in an all-white school...If you put kids from a

> different race together without any influence from the parent, they're going to get along fine.[236]

During desegregation, student achievement levels reportedly rose in some schools. According to Geraldine Johnson, a teacher at Field Elementary School, math and reading scores of both majority and minority students rose.[237] Other teachers also noted that the quality of educational programs in the school system had improved.[238]

Commenting on the overall outcome of desegregation, Harry Davis, director (member) of the Minneapolis Board of Education, noted, "I think they [the students] are better educated, and integration and desegregation have improved the quality of education.[239]

Findings

The following findings were derived from the above statement on the Minneapolis open meeting:

1. Although the Board of Education had initiated a plan to desegregate Minneapolis schools through voluntary student transfer, the Federal district court found the school administration operated a de jure system because it had employed such segregatory practices as locating schools and gerrymandering attendance zones to increase segregation and assigning less experienced and lower-paid teachers to racially identifiable schools.

2. After the court order the school board and the school administration exerted strong positive leadership implementing the desegregation plan.

3. Although there was strong opposition to desegregation among some segments of the community, an acceptance of the law permitted desegregation to proceed with only a few disruptive incidents.

Stamford, Connecticut

Desegregation of Stamford public schools was carried out voluntarily and with little difficulty from 1962 to 1972. The board of education was committed to desegregation and the superintendent exerted his leadership and support. There was little opposition and busing was not a major issue.

Located between wealthy suburban communities on the Long Island Sound, Stamford has a population of 108,798.[240] Approximately 83.2 percent of the population is white, 12.3 percent is black, and 3.8 percent is of Spanish origin; less than 1.0 percent are members of other racial and ethnic groups.[241] The city encompasses 40 square miles. Its northern section is predominantly white and affluent, and the low-income and minority population is concentrated in the southern section. In 1975, 19,118 students were enrolled in Stamford schools; approximately 31.4 percent were minorities.

Desegregation of the school system began with the opening of a second high school in 1961 and the redistricting of the two high schools in 1962. A common concern of both the community and the board of education was that the school system was becoming increasingly racially isolated. At the recommendation of a broadly-based citizen committee, the school board redistricted the high schools, changing the district line from east-west to north-south to ensure that students from both northern and southern sections of the city attended both high schools.

Subsequent steps to desegregate Stamford's public schools included closing predominantly black schools and opening new middle and elementary schools in an inner-city area readily accessible to both minority and majority communities. Although most black parents believed that desegregation would improve the quality of education in the schools, a small coalition of blacks and Hispanics disagreed and developed their own proposal, which stressed quality education and community control. The final elementary school plan, which went into effect in September 1972, was challenged in Federal district court on the grounds that it placed a disproportionate share of busing on the black community.[242] The court upheld the school board's plan.[243]

School officials, parents, and community and civic leaders generally agree that Stamford desegregated its schools with relative ease.[244] Although small groups of parents objected to specific school assignments, there was no significant opposition. Business and political leaders were not actively involved and considered desegregation a school board issue. Religious leaders supported desegregation but were not active. The media reported accurately on each phase of the plan.

Elementary school principal Michael D'Agostino said there was no general pattern of white flight. "We didn't see any swelling of the private schools after desegregation. I think some of the parents were apprehensive, but I think that apprehension diminished after the schools opened in September."[245] Dr. Robert Peebles, superintendent of schools, said, "I think there are isolated examples of students who have done this, but at the same time I think that's countered by students that have chosen to leave private and parochial schools to come to our own schools...."[246]

Desegregation within the classroom remains a critical issue. Ability grouping, which is used to varying degrees at different age levels, frequently results in racial and ethnic isolation in academic classrooms at the middle and high school levels. Students, parents, and school staff differ in their views on ability grouping. Although parents support heterogeneous grouping with individualized instruction in the lower grades, they do not, in general, support heterogeneous grouping in basic skill courses in middle and high schools.

Students, particularly those in lower tracks, have a different view. One black student, describing the apathy of teachers in the lower grouping, said, "There isn't anybody to help you out...nobody down there to push you."[247]

Nevertheless, several persons expressed satisfaction with the desegregated school environment. One black high school student said:

> Now I feel that students should be integrated because most parents give their children, maybe unconsciously...an outline of people, like black people all take drugs and hang out in the streets and rob your house and everything.... You won't know about people until you mix with them. And I think school is really where people get together and people mix, and I'd rather go to an integrated school than an all-black school.[248]

A white parent, who chose to bus her children for 45 minutes to attend the predominantly black magnet school in the inner city, said:

> My daughter had been to an all-white nursery school and to a kindergarten where the black children were bused in and it made her think of them as being different...so when we heard about a public school in Stamford that had a type of educational program which we think is very, very good, we investigated that and since my daughter has been to that school I have seen her come around 100 percent. She never refers to race, ever. If she talks about the children in her classroom, she simply names them.[249]

Most school officials, parents, and students agreed that discipline was a continuing problem in the schools. A disproportionate percentage of students suspended--more than 60 percent in 1974--are black. Students and teachers differed about whether black and white students were treated equally in disciplinary procedures. One student put the problem in the following perspective:

> Basically a teacher doesn't want people to feel that they're treating the white kids better than the black kids and they overdo it to the point where they let the blacks get away with so much and the white kids get away with so little that it makes the white kids mad. But then you get a teacher who says, well, I'm not going to let these black kids get away with nothing on me...and it's just reverse and the black students get mad.[250]

Minority parents and students strongly criticized the lack of adequate minority representation in the school system. This criticism appeared justified in light of the school system's employment profile. In 1975, 76 (5.7 percent) of the 1,338 total professional staff were black and 17 (1.3 percent) were of Spanish origin. In the spring of 1976 there were 20 social workers; only 3 (15 percent) were black and none was Hispanic. Of 14 psychologists, only one was black and none was Hispanic; of 56 special education teachers, none was black or Hispanic. Of 48 counselors, 3 or 6 percent were black and none was Hispanic.[231]

Although the percentage of black elementary students transported increased from 17 percent to 31 percent when the plan was implemented, allegations that minority students are bused in disproportionate numbers are not supported by the evidence. In 1975 the percentage of black students bused was approximately 5 percent above their representation in the elementary student body. For all grades, the percentage of black students bused was approximately equal to their representation.

School staff, parents, and community leaders generally believe that the quality of education has improved since desegregation. Many persons said they believed that the multiracial classroom provides a better education for Stamford's students.

Dr. Thomas Reardon, an assistant superintendent in the school system for many years, said: "I personally can say from observation and many other facts that the integration-desegregation program has improved the quality of education in Stamford significantly and contributed to the good racial relationship and harmony in the city itself."252

Findings

It is evident from the above Stamford open meeting that:

1. School officials, parents, community leaders, and civic leaders agree that Stamford had a relatively easy desegregation experience. This occurred even though small groups of parents were opposed, and business and political leaders generally did not take a stand on the issue.

2. Many students are reported to be satisfied with desegregation; however, ability grouping is tending to segregate racial and ethnic minorities by classroom at the middle and high school levels.

3. Student discipline is a continuing source of concern. A disproportionately high percentage of students suspended are blacks.

4. Minorities are poorly represented on the staffs of Stamford schools.

Corpus Christi, Texas

Desegregation in Corpus Christi, Texas, has grown from a neighborhood concern into a grueling legal battle between Mexican Americans and blacks and the predominantly Anglo school board.

Corpus Christi, located on the Gulf Coast, has a population of 204,525.[253] Approximately 41 percent of the city's population is Mexican American, 5 percent is black, and 53 percent is Anglo.[254] The Corpus Christi school district in December 1975 had a student enrollment that was 57 percent Mexican American, 6 percent black, and 37 percent Anglo.

Efforts to desegregate the public schools involve the landmark case *Cisneros*. v. *Corpus Christi Independent School District*.[255] On July 22, 1968, Jose Cisneros and 25 other Mexican American and black members of the United Steel Workers of America Union, Local 5022, filed suit in Federal district court alleging that local school authorities had operated schools in a discriminatory fashion. On June 4, 1970, a district court found that "Mexican American students are an identifiable, ethnic-minority class sufficient to bring them within the protection of *Brown*."[256] Further, the court found that the Corpus Christi Independent School

District had engaged in the following acts of de jure segregation of Mexican American and black students:

> ...administrative decisions by the school board in drawing boundaries, locating new schools, building new schools and renovating old schools in the predominantly Negro and Mexican parts of town, in providing an elastic and flexible subjective transfer system..., by bussing [sic] some students, by providing optional transfer zones which resulted in Anglos being able to avoid Negro and Mexican-American schools, not allowing Mexican-Americans or Negroes the option of going to Anglo schools...by assigning Negro and Mexican-American teachers in disparate ratios to these segregated schools....[257]

The court said that these acts were "calculated to, and did, maintain and promote a dual school system."[258]

After submission of plans by plaintiffs and defendants, the court in 1971 issued an order to disestablish the dual school system.[259] student assignment plan required pairing of elementary schools at two levels, a complete revision of high school attendance zones, and further reassignment of pupils. The court found that the plan would require transportation of approximately 15,000 students.[260] appeals have resulted in numerous plans being submitted to the court by the school district. These plans have varied, but generally included such measures as pairing of schools, district rezoning, and voluntary transfer programs.

Because of delays in the litigation only the voluntary transfer program was put into effect during the 1974-75 school year. When it failed to meet the court's standard, Federal District Judge Owen Cox called for an improved plan during the 1975-76 school year.

The major objective of the current plan is to satisfy court-ordered ethnic ratios (75 percent majority to 25 percent minority enrollments) with a minimum of busing. A lottery system was devised to determine which students would be bused when computer assignmets failed to meet the court-imposed ratio. The system is rotational so that a different set of children are bused every year. About 5,000 students are bused by the school district; more than 2,300 or about 44 percent are transported for desegregation.

Throughout the entire legal proceedings up to the present, the school administration has opposed desegregation. Paul Montemayor, a Mexican American member of the United Steel Workers of America, in his remarks at the open meeting, described the frustrations of trying to work with the school board to improve equal educational opportunities for Mexican Americans and how the board's uncooperative stance led to the filing of the Cisneros suit.[241]

Madelin Olds, assistant professor at Del Mar Junior College in Corpus Christi, stated:

> While the...people in Corpus Christi want to obey the law, it...has not been clear to a number of people why the Corpus Christi schools are under Federal court order....There has been no official acknowledgment by the Corpus Christi School Board of unconstitutional behavior, but evidence in the *Cisneros* case clearly shows and Federal courts have agreed that *de jure* segregation exists.[262]

Another witness, the Reverend Harold Branch, pastor of St. John's Baptist Church in Corpus Christi, said:

> [There] has not been a commitment on the part of our school administration that [desegregation] is good for us and... for our children, that this is the way to lead us out of...the ghettoized life...in Corpus Christi.[263]

The school administration's opposition has extended to Commission efforts to obtain information on overall desegregation progress in the district's schools. The superintendent refused to permit Commission staff to interview administrators or teachers. He also refused to testify or allow his staff to testify at the Advisory Committee's open meeting. As a result, the Commission held a hearing in Corpus Christi in August 1976.

Despite the negative quality of Corpus Christi's educational leadership, there has been an almost total absence of violence or disorder during the district's limited desegregation efforts.[264] is due, in large part, to the efforts of the business and religious community in Corpus Christi. The media has also played an important role in keeping the community informed. The local newspaper, the *Corpus Christi Caller-Times*, provided excellent coverage.

School administrators have cited white flight as an outcome of desegregation. Dr. Dwayne Bliss, assistant school superintendent, told the press that the normal attrition rate for the Corpus Christi school district is about 670. Since the July 1975 desegregation order, more than 1,600 students have not returned to school. Of this total, Dr. Bliss said, about 600 were Anglos.[265]

Since many Mexican American pupils in Corpus Christi schools have limited ability in English, there is a special need for bilingual-bicultural programs. Dr. Arturo Medina, professor at Texas A&I in Corpus Christi, told the Advisory Committee that school officials often take the attitude that the goal of many bilingual programs in Texas is to eradicate the original home language. According to Dr. Medina, the poor academic performance of many Mexican American students can be attributed to the lack of good bilingual-bicultural programs.[266]

There is also a critical shortage of minorities in administrative and teaching positions. The school district historically has hired a disproportionately small number of Mexican Americans and blacks to fill professional positions on its administrative and teaching staffs. The district currently employs 3,923 full-time staff; 1,711 or about 44 percent are employed as teachers. Minorities are only about 30 percent of the faculty. Moreover, only six Mexican Americans and one black are employed in the top administrative positions. Out of a total of 56 principals, only 15 are identified as Mexican American or black. On the other hand, of the 810 service workers currently employed, 571 or 70 percent are minorities. Given the fact that Mexican Americans and blacks make up more than 63 percent of the current student enrollment in the district, there appears to be a severe disparity in the employment of minority staff.[267]

As a triethnic community, Corpus Christi provides a richly endowed setting for its students. A recalcitrant school administration and lack of strong leadership at the community level have severely restricted the benefits of desegregated education.

Findings

From the above statement on the Corpus Christi open meeting, the following findings are evident:

1. Although the Corpus Christi school administration is opposed to desegregation and 8 years of litigation were required before the school system was ordered to desegregate, violence and disruption have been almost totally absent since the limited desegregation process began.

2. A critical shortage of minority faculty exists in the schools. Although two-thirds of the district's enrollment is of minority background, minorities make up less than one-third of its teachers.

3. Despite the fact that more than half of Corpus Christi's student body is of Mexican American background and many are fluent only in Spanish, the system lacks a good bilingual-bicultural program to meet their educational needs.

SUMMARY OF DESEGREGATION EXPERIENCES--29 SELECTED SCHOOL DISTRICTS

Twenty-nine desegregating school districts were studied by the Commission's State Advisory Committees with assistance from regional Commission staff in order to discover patterns of the school desegregation process. These districts varied in locale, size, and minority representation. (See map 2.1 and table 2.2) Descriptions of 25 of the case studies follow.[268]

The 29 Case Study School Districts

Bogalusa, Louisiana, a rural southern town located on the State's eastern border, in 1975 had an estimated population of 17,415, about 33 percent black. The Bogalusa City School District in 1975 had a student population of 4,660, of which 1,771 or 38 percent was black. Of the 267 faculty members, 28 percent was black. In 1965 the school district began court-ordered desegregation under a freedom-of-choice plan which did not result in a significant degree of desegregation. Total desegregation was ordered in 1969.

Colorado Springs, Colorado, on the eastern slope of the Rocky Mountains, is the State's second largest city. The estimated population in 1975 was 175,000, of which approximately 8.5 percent was Mexican American, 5.2 percent, black, and 1.3 percent, other minorities. Colorado Springs School District No. 11 for the 1975 school year had a student population of 34,20[illegible], with 3,330 Mexican Americans, 2,100 blacks, 379 Asian Americans, and 95 Native Americans. Of 1,953 faculty members, only 7 percent was minority. In 1970 the district voluntarily desegregated its high schools.

Dorchester County, Maryland, is a rural marshland area on the eastern shore. The county in 1970 had a total population of 29,405, 30.8 percent of which was black. In 1975 the school enrollment was 6,111, with 2,538 (41 percent) black students. Of 366 faculty members, 29 percent was black. In 1963 the Dorchester County School District initiated a freedom-of-choice plan which resulted in only token desegregation. In 1971 under pressure from the Department of Health, Education, and Welfare, the district implemented a comprehensive desegregation plan.

Erie, Pennsylvania, an industrial port city on Lake Erie, in 1970 had a population of 129,231 of which 6.8 percent was black. The Erie City School District in 1975 had an enrollment of 17,462, with 3,234 (18.5 percent) black students. Erie employed 50 minority faculty members (4.5 percent) of a total of 1,109. The school district was initially required to desegregate in 1968 by the State department of education. A desegregation plan was ordered by the court and implemented in 1975.

Greenville, Mississippi, is a river port in the Mississippi Delta. In 1970, almost 53 percent of the 39,495 people living in Greenville were black. The Greenville Municipal Separate School District is a majority-black district enrolling 10,048 students in 1975. While 70 percent of the student body was black, only 46.7 percent of the faculty was black. In 1964 the school board voluntarily initiated a freedom-of-choice plan, the first such effort in Mississippi. In 1970 under court order, the district implemented a comprehensive plan for total desegregation.

Kalamazoo, Michigan, is an urban area of 85,555. While blacks are the largest minority group (8,534), there are 1,579 Latinos in Kalamazoo. In the fall of 1975 the Kalamazoo Public Schools had a student population of 14,551, of which 23 percent was black and 1.3 percent was of Spanish origin. Of 817 faculty members, 9.9 percent was minority. The district implemented court-ordered desegregation in 1971.

The Kirkwood R-7 School District, Missouri, is a surburban district of St. Louis, Missouri, serving the cities of Des Peres, Frontenac, Glendale, and Kirkwood and unincorporated areas in St. Louis County. The 1970 population of the district was approximately 43,034. Blacks constituted 5 percent of the population. The school district's student population for 1975 was 6,792, with a black enrollment of 756 or 11.1 percent. Almost 9 percent of the 409-member faculty was minority. Minimal efforts to desegregate the legally constituted dual school system were begun immediately after Brown. Under pressure from the Department of Health, Education, and Welfare, the Kirkwood R-7 district totally desegregated in 1975.

Little Rock, Arkansas, is the central city of a medium-sized metropolitan area. The 1970 population of the city was 132,483. There were 21,928 students attending public schools in the Little Rock School District in 1975. Blacks constituted about 52 percent of the student population. Black faculty members represented only 29.7 percent of the total faculty of 1,212. In 1957 Little Rock made national headlines as Federal troops escorted nine black children to enroll at Central High School when the school district was ordered to desegregate its public schools. In the following years a number of desegregation plans were implemented until 1975 when the district was totally desegregated.

Nashville, Tennessee, the State capital, is the urban and economic hub of the 36-county middle Tennessee area. Nashville and Davidson County have a consolidated government and a metropolitan school district known as the Metro Nashville-Davidson School District. In 1970 Davidson County had a total population of 448,000; approximately 19.9 percent was black. The 1975 student population was 80,165, with 23,372 (29 percent) blacks. Total faculty in 1975 numbered 4,500, with 1,092 (24.2 percent) blacks. The school district implemented court-ordered desegregation in 1971.

TABLE 2.2 SUMMARY OF CHARACTERISTICS OF 25 SCHOOL DISTRICTS**

	Year of Most Recent Desegregation	Population 1975	Percent Minority	School Enrollment	Percent Minority	Faculty 1975	Percent Minority
Bogalusa, Louisiana	1969	17,415	33	4,650	38	267	28
Colorado Springs, Colorado	1970	175,000	15	34,201	17	1,953	7
Dorchester County, Maryland	1971	29,405*	31	6,111	41	356	29
Erie, Pennsylvania	1975	129,231*	7	17,462	19	1,109	5
Greenville, Mississippi	1970	39,495*	53	10,048	70	535 5/	47
Kalamazoo, Michigan	1971	85,555*	12	14,551	24	817	10
Kirkwood, Missouri	1975	43,034 2/	5	6,792	11	409	9
Little Rock, Arkansas	1975	132,483*	25	21,928	52	1,212	30
Nashville, Tennessee (Davidson County)	1971	448,000*	20	80,165	29	4,500	24
Newport News, Virginia	1971	138,177*	28	30,268	37	1,318	36
Ogden, Utah	1975	73,283	4	15,665	20	605	[illegible]
Ossining, New York	1974	47,000	3/	5,136	24	300	11
Peoria, Illinois	1969	126,962	11	23,987	27	1,282	7
Portland, Oregon	1964 1/	382,169	8	62,028	17	3,778	8
Providence, Rhode Island	1971	165,000	10	20,680	25	1,256	8
Racine County, Wisconsin	1975	170,838	7	28,757	25	1,590 6/	8
Raleigh County, W. Virginia	1973	70,080	10	17,338	10	843	9
Santa Barbara, California	1972	75,000	19	4,850	48	366 7/	8
Springfield, Massachusetts	1974	163,905*	13	28,839	40	1,710	9
Tacoma, Washington	1971	154,581*	10	32,671	19	1,612	10
Tempe, Arizona	1973	62,907	14	13,482	20	671	12
Tulsa, Oklahoma	1971	330,350	14	64,207	22	3,179	14
Waterloo, Iowa	1973	75,563	9	16,312	16	938	13
Wichita, Kansas	1971	276,718	13	51,907	23	3,134	11
Williamsburg, South Carolina	1971	34,243	61	9,075	80	467	63

---

* 1970 Population

** For characteristics of Berkeley, California, Corpus Christi, Texas, Minneapolis, Minnesota, Stamford, Connecticut, see section on open meetings.

1/ Portland, Oregon, had no specific desegregation plan, but desegregation activities began in 1964.

2/ Includes Kirkwood, Des Peres, Frontenac, and Glendale.

3/ Minority population for the school district could not be determined as the Ossining Union Free School District No. 1 covers portions of several communities.

4/ Figure is for blacks only. Another 10 percent of the population is Portuguese and Hispanic, sometimes classified as white.

5/ Figures for 1974.

6/ Figures for 1972.

7/ Figures for 1974.

Newport News, Virginia, in the southeastern portion of the State on the James River, is an urban area with a total population in 1970 of 138,177 and a black population of 39,208 (28 percent.) The school population of the Newport News Public Schools in 1975 totaled 30,268, of which 37 percent was black. Minority faculty representation (36.3 percent) paralleled the minority student enrollment. Early efforts to desegregate in the late 1950s and in 1965 when the school district operated a freedom-of-choice plan did not eliminate the dual school system. After continued pressure from the Department of Health, Education, and Welfare resulting in a cutoff of Federal funds and a court order, the Newport News Public Schools implemented a comprehensive desegregation plan in 1971.

Ogden, Utah, is a medium-sized city with a population of 73,283. Minority students constituted 20 percent of the 1975 student population of 15,665. Mexican Americans are the largest minority group (1,850), Native Americans are second (639), and blacks, third (508). During the 1974-75 school year the district employed a total of 605 teachers; 96.2 percent of all teachers were white. Desegregation efforts began in 1970 in the Ogden City School District after the Department of Health, Education, and Welfare notified the district that it had a racially identifiable school in violation of Title VI of the Civil Rights Act of 1964. Final desegregation efforts were implemented in 1975.

Ossining Union Free School District No. 1, New York, serves the Village of Ossining, a portion of the Village of Briarcliff Manor, and portions of the Towns of Ossining, New Castle, and Yorktown. The population of this suburban area is approximately 47,000, and blacks and Puerto Ricans are the major minority groups. In the 1974-75 school year the district enrolled a total of 15,136 students of which blacks constituted 19 percent and Puerto Ricans, 5 percent. By contrast, the faculty of 300 had only 33 (11 percent) minority members. After notification from the State board of education in 1969, the district began consideration of its segregation problems and in 1974 implemented a desegregation plan.

Peoria, Illinois, is an urban area in the north-central portion of the State with a population of 126,962. Blacks totaled 14,492. The student enrollment in 1975 was 23,907, of which 26 percent was black, and less than 1 percent was other minorities. Other minorities totaled only 232. Of 1,282 faculty members, only 7.3 percent was minority. The Peoria Public School District No. 150 implemented a partial desegregation plan in 1969 which achieved a reduction in racial isolation. Since that time, shifts in housing patterns have caused resegregation.

Portland, Oregon, a port city of 382,619 on the Willamette River, has a minority population of 31,984, of which the majority (21,572) is black. Portland School District No. 1 had a student enrollment in 1975 of 62,028--12.5 percent black, 4.5 percent other minorities. Eight percent of a faculty totaling 3,778 was minority. Beginning in 1964 the district initiated a variety of programs in an effort to reduce racial isolation such as voluntary transfer, which evolved into a desegregation plan.

Providence, Rhode Island, is the capital of the State and its largest city. In 1975 an estimated 165,000 persons resided in Providence; 10 percent was black. The 1975 public school population was 20,680, of which 25 percent was black. In contrast, minorities made up less than 8 percent of the faculty. The Providence School District initiated a three-phase desegregation plan in 1967, which was completed in 1971.

Racine County, Wisconsin, located on the shores of Lake Michigan, had a 1970 population of 170,838, of which 6.6 percent was black. Unified School District No. 1 of Racine County enrolled 28,757 students in 1975. The district has 25 percent minority population (5,739), mostly black (4,084) with 1,542 of Spanish origin. Only 134 of 1,590 (18.4 percent) faculty members were minority. Desegregation efforts began as early as 1961. In 1975 the current desegregation plan was implemented.

Raleigh County, West Virginia, is a rural, coal-mining district of 70,080 with 6,880 blacks. In 1975 Raleigh County Schools enrolled 17,338 students, of whom 10 percent was black. In comparison, 8.6 percent of the faculty was black. In 1956 the county initiated a voluntary transfer plan. In 1964 the district began consolidating its schools, and desegregation was completed in 1973 when, under pressure from the Department of Health, Education, and Welfare, a two-phase plan was implemented.

Santa Barbara, California, is a coastal city of 75,000 in the southern portion of the State. It has a minority population of 14,000, of which 12,570 are of Spanish origin, 1,500, black, and 600, Asian American. Of the 1975 public school enrollment, 48 percent was minority, compared to 8.4 percent of the faculty. As a result of State recommendations, the Santa Barbara School District developed a desegregation plan in 1972 to be implemented in three phases. To date only two schools have been involved. Phases two and three of the desegregation plan have not been implemented.

Springfield, Massachusetts, a city in the southwestern area of the State, had a 1970 population of 163,905, of which 13 percent was nonwhite.[269] In 1975 the school district's enrollment was 28,839, with 7,668 black and 3,844 Spanish-surnamed students (primarily Puerto Ricans.) While almost 40 percent of the students was minority, only 9.2 percent of the faculty was minority. In response to the 1965 Massachusetts Racial Imbalance Law, the district in 1966 began efforts to eliminate racial imbalance. In 1974 a final desegregation plan was implemented.

Tempe, Arizona, a suburb of Phoenix, is a small university city with a 1970 population of 62,907 persons. Of this total, approximately 14 percent were minorities--Mexican Americans (12 percent), blacks (1 percent), others (1 percent). In 1975 Tempe Elementary School District No. 3 enrolled 13,482 elementary children. Mexican American students accounted for 16 percent of the total, black students for 3 percent, and Native Americans for 0.5 percent. Of 671 faculty members, 11.7 percent was minority. In 1971 the Department of Health, Education, and Welfare notified the district that it had racially identifiable schools in violation of Title VI of the Civil Rights Act of 1964. In 1973 the district implemented a desegregation plan.

Tacoma, Washington, is a port city in the western portion of the State on Puget Sound. The city's 1970 population was 154,581 with 10,436 blacks, 2,248 Spanish-surnamed, 1,703 Native Americans, and 1,689 Asian Americans. Tacoma Public School District No. 10 enrolled 32,671 students in 1975, and 6,101 (18.6 percent) were minority. Only 9.7 percent of a faculty of 1,612 was minority. In 1966 the school district initiated a limited optional enrollment plan and in 1967, a more extensive open enrollment plan. Although there was no specific "desegregation plan," all schools were desegregated by 1971.

Tulsa, Oklahoma, a central city with a 1970 population of 330,350, is located in northeastern Oklahoma on the Arkansas River. Once known as the oil capital of the Nation, Tulsa has an 11 percent black population and a 3 percent Native American population. The Tulsa Independent School District had a 1975 student enrollment of 64,207, of which blacks and Native Americans, the largest minority groups, constituted 17.7 percent and 4.4 percent, respectively. Of 3,179 faculty members, 13.7 percent was black.[270] Tulsa's first desegregation efforts were made in 1955 when the district established new neighborhood attendance areas to eliminate the dual school system previously required by State law. After other efforts, Tulsa began implementation of a three-phase desegregation plan in 1971.

Waterloo, Iowa, population 75,563, is located in the northeast-central section of the State. Blacks, the only significant minority group, constitute 8 percent of the population. In 1975 the Waterloo School District enrolled 16,312 students, of which 8 percent was black. The faculty totaled 938, with 56 blacks (5.9 percent). The district began its first efforts to desegregate in 1968 with the initiation of an open enrollment program which was followed by limited redistricting. In 1973 a plan was implemented which completed the desegregation process.

Wichita, Kansas, located in the south-central part of the State on the Arkansas River, is a city of 276,718 persons, 9.8 percent of whom are black and 3.5 percent, of Spanish origin. The Wichita School District's 1975 population was 51,907. Blacks students numbered 9,530 and students of Spanish origin, 1,502, with 845 other minorities. Minorities made up 11.3 percent of a 3,134-member faculty. The district's first efforts to desegregate began in 1969 under pressure from the Department of Health, Education, and Welfare. In 1971 a comprehensive desegregation plan was implemented.

Williamsburg County, South Carolina, is a rural area with a total population of 34,243, most of whom (61 percent) are black. The student population for Williamsburg County Schools (9,075) is 80 percent black. The faculty of 467 is 63 percent black. Required to do so by the Department of Health, Education, and Welfare, the district desegregated in 1970 and 1971.

Experiences with School Desegregation

Analysis of the desegregation experiences of the 29 school districts is based upon information solicited from school systems and personal interviews with nearly 900 persons. The impressions and perceptions of school officials, teachers, students, and business, political, religious, and other community leaders in each school district have been analyzed and collated to provide a profile of each district's most recent school desegregation experience. (See table 2.3)

The Commission found that desegregation has been implemented smoothly without disruption in 27 of the communities. Of the 29 school districts analyzed, 9 were under court order; 11 desegregated under pressure from the Department of Health, Education, and Welfare or a State department of education; and 9 had voluntarily desegregated. The most frequent methods used to desegregate were

TABLE 2.3

DESEGREGATION IN 29 SCHOOL DISTRICTS

		Leadership Support for Desegregation						Outcomes of Desegregation				
School Districts	Impetus for Desegregation	School Administration	School Board	Business	Religious	Political	Community Disruptions	Community Preparation	Staff Training	Curriculum Changes	Overall *
Berkeley, California	V	P	P	N	P	P	No	Yes	Yes	Yes	3
Bogalusa, Louisiana	CO	C	C	C	P	NA	Yes	No	No	No	1
Colorado Springs, Colo.	V	P	P	N	N	N	No	Yes	Yes	Yes	3
Corpus Christi, Tex.	CO	C	C	N	P	C	No	Yes	Yes	No	1
Dorchester County, Md.	HEW	P	N	N	NA	NA	No	Yes	Yes	No	3
Erie, Pennsylvania	CO	P	N	N	P	N	No	Yes	Yes	Yes	2
Greenville, Miss.	CO	P	P	P	P	P	No	Yes	Yes	Yes	3
Kalamazoo, Mich.	CO	P	C	P	P	N	No	Yes	NA	Yes	3
Kirkwood, Mo.	HEW	P	P	N	N	N	No	Yes	Yes	Yes	2
Little Rock, Ark.	CO	P	P	NA	P	C	No	Yes	Yes	Yes	2
Minneapolis, Minn.	CO	P	P	P	P	N	No	Yes	Yes	Yes	3
Nashville, Tenn.	CO	P	N	P	P	C	No	Yes	Yes	Yes	2
Newport News, Va.	CO	P	C	N	N	N	No	Yes	No	Yes	3
Ogden, Utah	HEW	P	NA	NA	NA	NA	No	Yes	Yes	Yes	3
Ossining, N.Y.	S	P	P	N	N	N	No	Yes	No	No	3
Peoria, Ill.	S	N	P	P	P	N	No	No	NA	Yes	1
Portland, Oreg.	V	P	P	N	P	N	No	Yes	Yes	Yes	3
Providence, R.I.	V	P	N	N	P	P	Yes	Yes	Yes	Yes	2
Racine County, Wis.	V	P	P	P	P	N	No	Yes	Yes	Yes	3
Raleigh County, W.Va.	HEW	P	N	N	P	N	No	Yes	No	Yes	3
Santa Barbara, Calif.	V	P	P	N	N	N	No	Yes	Yes	Yes	2
Springfield, Mass.	S	P	N	N	P	N	No	Yes	Yes	Yes	3
Stamford, Conn.	V	P	P	N	N	N	No	Yes	Yes	Yes	3
Tacoma, Wash.	V	P	P	N	N	N	No	Yes	Yes	Yes	3
Tempe, Ariz.	HEW	P	P	N	N	N	No	Yes	Yes	Yes	3
Tulsa, Okla.	HEW/CO	P	N	P	P	NA	No	Yes	Yes	Yes	2
Waterloo, Iowa	V	P	P	N	P	P	No	Yes	Yes	No	3
Wichita, Kans.	HEW	P	N	P	N	N	No	Yes	Yes	No	2
Williamsburg County, S.C.	HEW	P	N	N	N	N	No	Yes	Yes	Yes	3

LEGEND:

V = Voluntary.

CO = Court Order.

HEW = Department of Health, Education, and Welfare.

S = State Department of Education.

* = The overall progress of desegregation was determined on the basis of the perceptions and impressions of persons interviewed in each community.

1 = Little Progress.
2 = Moderate Progress.
3 = Substantial Progress.

P = Actions or attitudes which created a positive atmosphere for desegregation, including public statements of support and initiation of activities to facilitate desegregation.

C = Actions or attitudes which created a negative atmosphere for desegregation, including public statements or actions opposing desegregation.

N = Noninvolvement.

NA = Determination could not be made from information gathered in the case study.

(Continued)

Table 2.3 Continued

In rating school districts for the case study investigation, the following general criteria were used: (1) Little Progress: Any district which: (a) has undergone only token desegregation and where segregation remains a serious problem; (b) experienced serious problem in undergoing desegregation. (2) Moderate Progress: Any district which: (a) experienced minimal interracial violence in and around schools since 6 months after implementation of desegregation; (b) had no evidence of significant increases in dropouts or absenteeism; (c) is not currently involved in litigation concerning an inadequate plan to desegregate or refusal or failure to desegregate in accordance with a plan; (d) is considered by the National Association for the Advancement of Colored People, the Department of Health, Education, and Welfare, State human rights organizations, or other civil rights organizations to have made moderate progress in desegregation. (3) Substantial Progress: Any district which meets the criteria for moderate progress and at least three of the following conditions: (a) minimal interracial violence during and since implementation of desegregation; (b) curriculum modifications that refect multiracial-multiethnic nature of the student body; (c) multiracial-multiethnic committee used to develop guidelines for discipline immediately before or since desegregation; (d) training provided teachers to prepare them for training in multiracial-multiethnic environment; (e) at least moderate integration of extracurricular activities across racial-ethnic lines; (f) distribution of minority teachers within schools in approximately the same proportion as they are represented in the district as a whole; (g) little or no white flight as a result of desegregation. As a result, 19 districts were found to have made substantial progress, 7 moderate progress, and 3 little, if any, progress.

reassignments and school closings. However, all districts used various combinations of reassignment, school closings, rezoning, pairing, grade structure reorganization, magnet schools, new construction, open enrollment, and clustering.[271]

School and Community Leadership

Active support and leadership from the school administration was found to be a factor in the desegregation process. In 26 of the 29 communities studied, the school administration supported desegregation and was instrumental in paving the way for the smooth implementation of desegregation in the community. Examples of positive superintendent actions include making public statements in support of desegregation, appointing human relations committees, and initiating activities and programs to facilitate the desegregation process.

School board support for desegregation is also important to effective implementation of desegregation. In more than half of the school districts, school boards supported desegregation. Advocacy from both the school administration and the school board was evident in 14 of the 29 communities.

Leadership from other community sources often made a valuable contribution to the desegregation process. In some communities various political, business, and religious leaders publicly supported school desegregation. In Greenville, Mississippi, for example, in the face of white opposition, the mayor, the chief of police, and members of the city council made public appeals for cooperation and calm during the desegregation process, and the business community mounted a campaign to sell desegregation to its opponents. Similarly, the business community in Nashville, Tennessee, advertised in support of peaceful desegregation. In Colorado Springs, Colorado, where community leaders did not actively support desegregation, a businessman said, "Desegregation has been as simple as changing to one-way streets--inconvenient but one of the least of our problems in this community."

Community Preparation

In 27 school districts special efforts were made to facilitate desegregation, including activities designed to inform the community on the progress of desegregation, to dispel rumors, to answer questions, to handle crises, and generally to smooth the way. In Tacoma, Washington, a summer counseling program made more than 1,500 home visits to provide parents and students an opportunity to consider options about new schools and voluntary transfers. In Newport News, Virginia, the superintendent established a hotline to respond to rumors and emphasized to school personnel the importance of accurately answering questions from parents and students. Open houses, prior to opening day or during the first weeks of school, were held in Newport News, Virginia; Greenville, Mississippi; and Kirkwood, Missouri. Kirkwood developed a series of information sheets to inform and involve the community in the impending reorganization. Direct mail to parents explaining desegregation and soliciting cooperation was a project in Tempe, Arizona, and Greenville, Mississippi. Ice cream socials and orientation programs for incoming students were held in Racine, Wisconsin. Other districts mounted bumper sticker campaigns, promoted television discussion programs, and conducted speaker bureaus.

Quality of Education

School desegregation usually requires some revamping of a school system. Administrators often take this opportunity to make needed changes in curriculum, facilities, organization, and teaching methodology. Often the result is that overall quality of education is improved.

In Kalamazoo, Michigan, the school administration began a systemwide revision of teaching methods to provide more individualized instruction and also developed an accountability model to measure student progress. In the

4

Kirkwood R-7 School District, improvement of the educational program was one of the reasons given by the school administration for its reorganization which brought about desegregation. One of their endeavors was to initiate new teaching procedures. Team teaching was introduced in Santa Barbara and Greenville for a more individualized approach. In Ogden, Utah, the superintendent said, "Based on reading test scores there is evidence that our desegregation has had a noticeable [positive] effect on the quality of education."

Staff training is a vital aspect of a desegregation program when teachers are to be working with students of diverse cultures. Training was provided for teachers in 24 of the 29 districts studied. This training encompassed such factors as human relations, the diversity of a multicultural society, and retraining in academic areas. In Tempe, Arizona, 20 percent of the teachers received intensive training on the problems of minority students and the cultural differences among Anglo, Mexican American, and Yaqui Indian children. In Ogden, more than 80 percent of the faculty received intensive training in multicultural sensitivity and continue to receive training.

Twenty-three school systems made curriculum changes, which often included ethnic studies and bilingual education to meet the needs of a desegregated student body. In Tempe, however, the Mexican American and Yaqui Indian communities were critical of desegregation because bilingual-bicutural education was not provided for their children. In Providence, Rhode Island, a nongraded curriculum, innovative programs at two model schools, and a cross-cultural approach to social studies were introduced. The Erie, Pennsylvania, school district instituted minicourses to give students a greater variety of course offerings.

Bogalusa perhaps exemplifies the community where desegregation has not been successful because the administration failed to make an effort to succeed. School desegregation received no support from school administrators or from the white community. Very little effort was made to facilitate desegregation or prepare the community for acceptance of the plan. There were no curriculum changes. The white faculty was hostile and unprepared for the challenges of desegregation; black students have been the victims of continued classroom segregation. In the 7 years since desegregation, attitudes have not changed. There are still two teachers' unions, one white, one black; there are two proms, one white, one black; there is still classroom segregation. In Bogalusa, where the school and community failed to seize the initiative to prepare for a smooth transition, the quality of education offered all students has suffered.

Student Attitudes

In most of the 29 school districts, minority and white students are learning to live together harmoniously. Students in Nashville have said that the most important aspect of desegregation is that it brings a better understanding and appreciation of students of different races and backgrounds. Students in Raleigh County, West Virginia, and Williamsburg, South Carolina, expressed positive feelings about a desegregated education. They view it as an asset in a multiracial society. A white PTA president in Providence said, "The future looks good on the basis of the experience of a new generation which never attended anything but desegregated schools."

NATIONAL SURVEY

The objective of the national survey was to collect factual and attitudinal data on the recent desegregation experiences of a random sample of 1,292 school districts, 8.1 percent of the Nation's 16,032 districts, with nearly 70 percent of the Nations minority students. These districts represent 47 percent of all school systems in the country which have enrollments of more than 1,500 students and are at least 5.0 percent minority. Usable responses were obtained from 993 school superintendents, or 77 percent of sampled school districts.[272]

Data from the questionnaires were merged with demographic data on the school districts which had been collected by the Office for Civil Rights of the Department of Health, Education, and Welfare.[273] Some of the following analyses deal only with information from Commission questionnaires, some with information from the Office for Civil Rights, and others with both sources.

Year of Desegregation

According to responses from superintendents, 612 or approximately two-thirds of the school districts have taken substantial steps to desegregate. Of these, 92 desegregated prior to 1966, but most (84 percent) have desegregated during the past decade, particularly in the 4-year period 1968-71. (See table 2.4.) Of those that have desegregated, the courts were reported to be the most important impetus in 34 percent of the school districts; HEW, in 25 percent; and local pressures, in 41 percent. The courts and HEW played their most active roles during the period 1968-71, while over the last 4 years locally-initiated plans have assumed greater importance.

TABLE 2.4

Districts That Desegregated, by Source of Intervention and by Year of Greatest Desegregation.

TIME PERIOD	COURTS		HEW		STATE-LOCAL		TOTAL	
	No.	%	No.	%	No.	%	No.	%
1901 - 1953	*	*	*	*	7	3	7	1
1954 - 1965	13	6	18	12	53	21	84	13
1966 - 1967	8	4	19	12	46	18	73	12
1968 - 1969	53	26	42	28	34	13	129	21
1970 - 1971	107	51	61	40	46	18	214	35
1972 - 1973	12	6	5	3	38	15	55	9
1974 - 1975	15	7	7	5	31	12	53	9
TOTAL	208	100	152	100	255	100	615	100

* None in Sample.

Desegregation by Region

Considerable variation exists among regions in the scope of desegregation efforts. Southern districts were most affected by desegregation, but desegregation occurred to a significant extent in other regions as well. As shown in table 2.5, only 5 percent of the 305 districts in the Southeast had not taken significant steps to desegregate. Approximately one-third of the districts in the Northeastern and North Central States, and 23 percent of those in the West, had taken significant steps to desegregate during the decade. Of the 196 incidents of desegregation achieved under court pressure, 141, or 72 percent, were in the southeastern region. (See map 2.2.) Despite recent publicity given court actions in Northern and Western States, the intervention of the courts has been concentrated in the Southern States; Commission data show that nearly half of those districts that desegregated were concentrated in Southern States.

Nature and Extent of Desegregation

To measure the extent to which desegregation was actually achieved within a school district, a previously developed index of segregation[274] was used to analyze changes over time. The data used to compute the index were provided by the Office for Civil Rights (HEW). The index ranges from zero (no segregation) to 1.0 (complete segregation). It measures the extent to which minority pupils are evenly distributed among the schools in a district. For instance, if the proportion of minority pupils is the same in every school in the district, the index would be zero (no segregation). The more disparate the proportions of minority pupils are in the various schools, the higher the index will be; so that, if some schools have 100 percent minority enrollment and all the others have no minority enrollment, the index would be 1.0. If the index of segregation is below 0.20, the level of segregation may be described as relatively low. If the index of segregation is greater than 0.50, the degree of segregation in the district is substantial.

Table 2.6 shows the changes in the index of segregation from 1968 to 1972. In the 878 school districts for which complete data are available, the average index of segregation fell from 0.37 to 0.12 during the 4 years 1968 to 1972. For those districts that took substantial steps to desegregate, the average index reduced from 0.53 to 0.12. These sampled districts encompass 7,355,000 students, or 15 percent of the Nation's total student enrollment. Those 384 districts that experienced their major desegregation before 1966 or took no substantial steps to desegregate, according to the school superintendents, showed a reduction from 0.17 in 1968 to 0.11 in 1972. Of these districts, 301, or 8 percent, still had levels of segregation greater than 0.50 in 1972.

The changes were greatest in the Southern and Border States. According to school enrollment data provided by the Department of Health, Education, and Welfare, the index of segregation of the sampled school districts in the Southeastern States fell from 0.65 in 1968 to 0.09 in 1972. Among school districts desegregated during the decade, substantial reduction was also obtained in the North Central and Western States.

Nationwide, the reduction in the index of segregation was greatest in those districts where the impetus for desegregation came from the courts. Here the index dropped from 0.74 in 1968 to 0.15 in 1972. Districts subject to court order were those initially marked by a high degree of segregation. Thus, the imposition of court plans brought a fundamental change in the racial distribution of students within affected school systems between 1968 and 1972.

The remaining vestiges of public school segregation, according to 1972 data, appear to be concentrated in the school districts in larger cities; that is, those districts with an enrollment greater than 50,000. The index of segregation for the sampled school districts in these cities which reported steps to desegregate during the decade fell from 0.54 in 1968 to 0.27 in 1972. The index indicates that segregation in smaller cities and rural areas was greatly reduced.

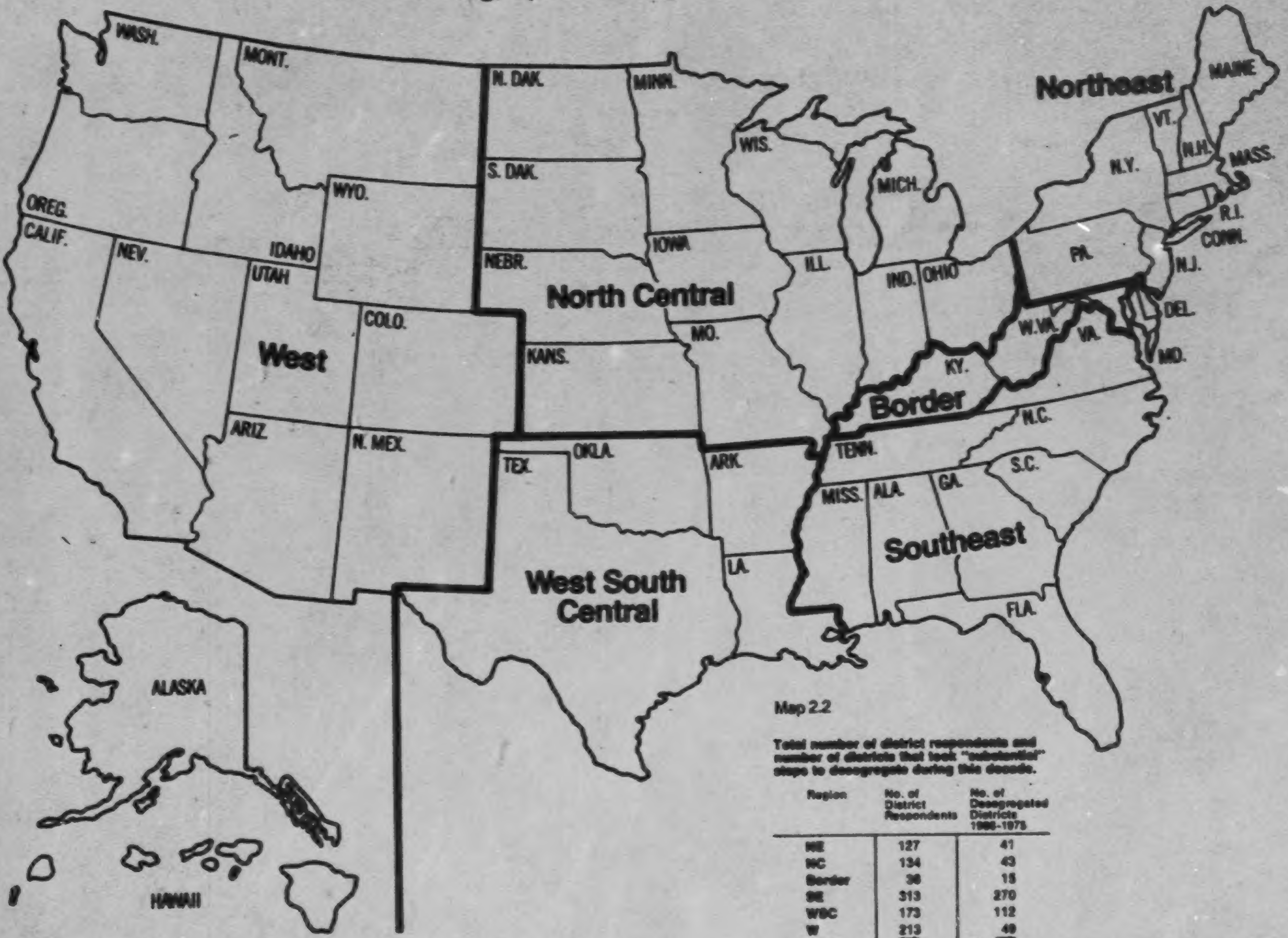
White Withdrawal from Schools

There has been considerable controversy over the withdrawal of white children from the public schools as a response to school desegregation. By combining information from the Office for Civil Rights (HEW) on the proportion of white students in the school district and Commission survey data, it has been possible to examine the relationship between desegregation and the loss of whites from the public schools. Table 2.7 presents this data by showing the number of school districts desegregated over the decade,[275] the impetus for desegregation, the average percentage loss of white students, and the proportion of blacks enrolled in the district's schools. Between the years 1968 and 1972, the average percentage loss of white students from all 1,164 districts was 6 percent.

Very little variation is evident in the average reduction of proportion of white students between the districts that have desegregated and those that have not; or between those that have desegregated by court order, by HEW pressure, or by local initiative. These data, therefore, do not support the inference that there is a general relationship between desegregation and reduction in proportion of white students, or between desegregation by court order and such reductions. There was no significant difference between districts that desegregated under pressure from the courts and all districts in the sample.

The proportion of black students does appear to be related to the reduction in the percentage of white students. Between 1968 and 1972 districts which were greater than 40 percent black in 1968 experienced a reduction of 15 percentage points in the proportion of white students, a significantly greater loss than for districts with lower proportions of black enrollment. Among districts with equivalent proportions of minority enrollment, those that desegregated under pressure from the courts show no greater losses in white enrollment than other districts. Although these data do not exclude the possibility or even likelihood that many individual white families do withdraw their children from public schools when desegregation occurs or is expected to occur, those individual decisions are not of sufficient magnitude to create a pattern of specific association between desegregation and loss of white students.

Public Hearing, Open Meeting and Case Study Sites


WASH.
MONT.
N. DAK.
MINN.
Northeast
MAINE
VT.
N.H.
MASS.
WIS.
N.Y.
MICH.
S. DAK.
WYO.
OREG.
CALIF.
NEV.
IDAHO
UTAH
IOWA
NEBR.
ILL.
IND.
OHIO
PA.
R.I.
CONN.
N.J.
North Central
COLO.
MO.
DEL.
West
KANS.
W.VA.
VA.
MD.
KY.
Border
ARIZ.
N. MEX.
N.C.
TEX.
OKLA.
ARK.
TENN.
S.C.
MISS.
ALA.
GA.
Southeast
West South Central
LA.
FLA.
ALASKA
HAWAII

Map 2.2

Total number of district respondents and number of districts that took "substantial" steps to desegregate during this decade.

Region	No. of District Respondents	No. of Desegregated Districts 1966-1975
NE	127	41
NC	134	43
Border	36	15
SE	313	270
WSC	173	112
W	213	49
Total	996	530

TABLE 2.5 Regional Distribution of Significant Steps to Desegregate School Districts, By Source of Intervention, for districts desegregated 1966 - 1975.

	Northeast		North Central		Border		Southeast		West S. Central		West		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Court Pressured	3	2	5	4	5	14	142	46	37	22	6	3	198	20
HEW imposed	0	0	2	2	4	11	90	30	44	26	1	*	141	14
Locally initiated	40	32	35	27	8	22	40	13	31	19	43	20	197	20
Significant steps prior to 1966	9	7	13	10	14	39	18	6	28	17	11	5	93	10
No Significant steps	74	59	75	57	5	14	16	5	27	16	152	72	349	36
TOTAL	126	100	130	100	36	100	306	100	167	100	213	100	978	100

* Less than 0.5 percent

TABLE 2.6

AVERAGE INDEX OF SEGREGATION, 1968 AND 1972, BY REGION AND BY SOURCE OF INTERVENTION, FOR SCHOOL DISTRICTS DESEGREGATED, 1966-1975

	COURT PRESSURED		HEW IMPOSED		LOCALLY INITIATED		OTHER DISTRICT		TOTAL	
REGION	1968	1972	1968	1972	1968	1972	1968	1972	1968	1972
NORTHEAST	.18	.07	*	*	.13	.09	.08	.07	.10	.08
NORTH CENTRAL	.61	.35	.46	.23	.22	.17	.20	.21	.23	.20
BORDER	.27	.24	.46	.23	.07	.04	.12	.07	.17	.11
SOUTHEAST	.80	.12	.59	.07	.58	.10	.33	.06	.65	.09
WEST SOUTHCENTRAL	.76	.22	.52	.10	.39	.16	.19	.06	.45	.13
WEST	.39	.24	.58	.46	.21	.12	.15	.11	.17	.12
ALL REGIONS	.74	.15	.56	.08	.30	.12	.17	.11	.37	.12
SAMPLE SIZE	173 CASES		137 CASES		184 CASES		384 CASES		878 CASES	

* NONE IN SAMPLE

1. MAJOR SOURCE OF INTERVENTION, AS PERCEIVED BY SCHOOL SUPERINTENDENTS
2. DISTRICTS THAT DID NOT TAKE "SUBSTANTIAL STEPS" TO DESEGREGATE DURING DECADE, OR DESEGREGARED PRIMARILY BEFORE 1966

TABLE 2.7 Number of districts and their average reduction in proportion White 1968 - 1972, by source of desegregation intervention 1966-1975, and by proportion black in 1968.

Proportion Black Students in 1968		Court pressured	HEW pressured	Locally Initiated	Deseg. pre-1966	No Deseg	No Response	All Districts
0-20% black	Average Reduction	3%	3%	5%	3%	3%	4%	4%
	Number of Districts	30	47	122	72	271	158	700
20-40% black	Average Reduction	3%	1%	7%	+5%	5%	3%	3%
	Number of Districts	52	59	42	9	15	72	249
40-100% black	Average Reduction	.14	4%	25%	21%	28%	15%	15%
	Number of Districts	89	32	20	4	15	55	215
All Districts	Average Reduction	9%	2%	8%	3%	5%	6%	6%
	Number of Districts	171	138	184	85	301	285	1,164

Desegregation and Disruption

Superintendents of those school districts that desegregated during the last decade reported that the overwhelming majority (82 percent) desegregated without serious disruption.[276] Of the 96 respondents who indicated serious disruption, only 6 are outside Southern or Border States. Disruption was more likely to occur in those districts under court order than in those districts that took substantial steps without court order.

According to respondent superintendents in districts desegregated during the last decade, the extra assignment of police took place in 1 school district in every 15. Of the 34 districts in the sample that required extra assignment of police, 26 were in Southern and Border States. In only 10 districts did the additional police assignments exceed 2 months. In about half of the cases where police were assigned, the educational process was reported disrupted for a period exceeding 2 weeks.

Perceived Quality of Schools

School superintendents of the desegregated school districts reported positive attitudes toward schools and little change in the quality of education after desegregation. Among these superintendents, 75 percent saw no change in quality, 15 percent reported improvement, and only 10 percent reported deterioration. Seven percent described the quality of education as fair or poor, whereas 62 percent said it was good, and 31 percent considered it excellent.

Community Attitudes

During the years since the implementation of desegregation, superintendents reported a marked change in community attitudes toward school desegregation in most school districts. According to superintendents, while general opposition among white parents prevailed prior to desegregation, there is now widespread support. Of the desegregated districts, 20 percent of the superintendents reported that desegregation had the support of white parents and business leaders prior to implementation of desegregation. The support of these groups is now seen in over half of the districts. (See figures 2.1 and 2.2.) General support for desegregation by minority parents was reported in 79 percent of the desegregated districts.

Summary of Findings from Survey

The survey of school districts' experiences provides the following findings:

- Extent of Desegregation--Among school districts with enrollments in excess of 1,500 and 5 percent minority students, 54 percent took substantial steps to desegregate during the 1966-75 decade. The courts were described as the most important impetus for desegregation in 37 percent of the desegregated districts. While desegregation was most concentrated in the South, substantial desegregation occurred in other parts of the country, affecting 33 percent of districts in the northeastern and north central regions.

- Nature of Desegregation--The districts that took substantial steps to desegregate showed major reductions in segregation, especially in those districts desegregated under court pressure. Courts were reported to act primarily when the degree of existing segregation was high.

- Withdrawal of Whites--While many school districts lost significant numbers of white students as shown by enrollment changes from 1968 to 1972, there are no significant differences between those districts that desegregate under pressure from the courts and HEW, and all districts in the country. The data do show that loss of white students is greater where black enrollments exceed 40 percent.

- Disruption--The overwhelming majority (82 percent) of school districts that desegregated are reported to have done so without serious disruption.

- Community Acceptance--A majority of school superintendents of the schools desegregated during the last decade state that both white parents and minority parents generally support desegregation. Moreover, after desegregation there was a dramatic positive change in the attitudes of white parents.

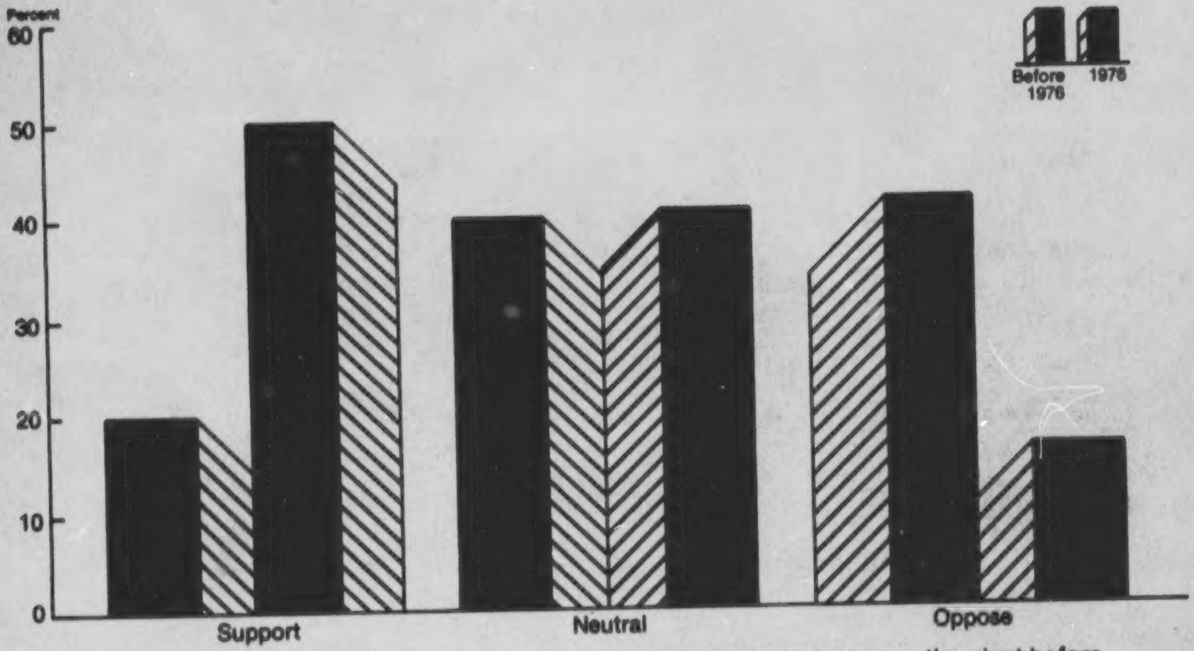


Figure 2.1—BUSINESS LEADERS: general response to school desegregation, just before desegregation and in 1976, in districts that desegregated 1966-75, as reported by school superintendents.

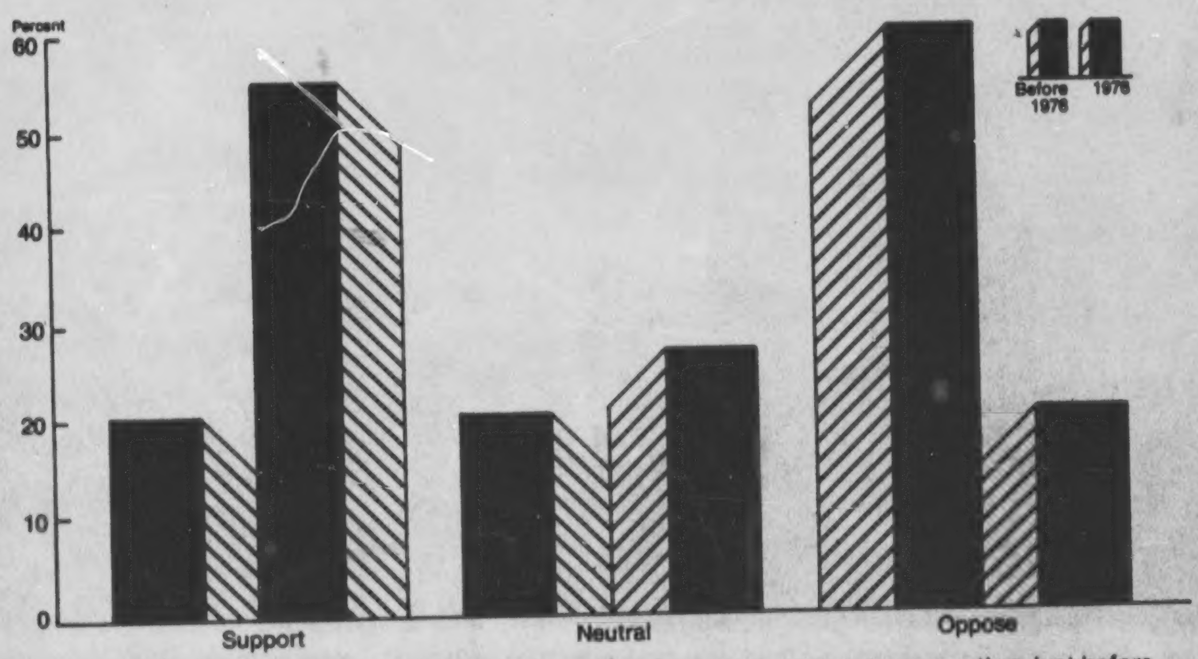


Figure 2.2—NONMINORITY PARENTS: general response to school desegregation, just before desegregation and in 1976, in districts that desegregated 1966-75, as reported by school superintendents.

Notes to Chapter II

1. Statement on New School Desegregation by the U.S. Commission on Civil Rights, Nov. 11, 1975.

2. These Commission reports include: *1961 Report*, vol. 2, *Education; Southern School Desegregation, 1966-67*; *Racial Isolation in the Public Schools* (1967); *Federal Enforcement of School Desegregation* (1969); *Your Child and Busing* (1972); *Five Communities: Their Search for Equal Education* (1972); *The Diminishing Barrier: A Report on School Desegregation in Nine Communities* (1972); *School Desegregation in Ten Communities* (1973); *Twenty Years After Brown; Equality of Educational Opportunity* (1975); and *The Federal Civil Rights Enforcement Effort-1974; To Ensure Equal Educational Opportunity* (1975).

Studies dealing with equal education problems among language-minority students include the 6-volume Mexican American Education Project: *Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest* (1971; *The Unfinished Education* (1971; *The Excluded Student* (1972); *Mexican American Education in Texas: A Function of Wealth* (1972); *Teachers and Students* (1973); *Toward Quality Education for Mexican Americans* (1974); and a recent study, *A Better Chance to Learn: Bilingual-Bicultural Education* (1975).

The Commission has also explored developments in school desegregation in its quarterly journal, the *Civil Rights Digest*. The Summer 1973 issue, for example, was devoted entirely to school desegregation.

3. See, for example, John Egerton, *School Desegregation: A Report Card from the South* (Atlanta: Southern Regional Council, 1976).

4. The Commission has an Advisory Committee in each State and in the District of Columbia which reports on local civil rights issues and developments.

5. U.S., Commission Civil Rights, staff report, *School Desegregation in Boston* (June 1975), p. 63. (hereafter cited as *School Desegregation in Boston*). Mass. Gen. L. Ch. 71 §§37C and 37D (1969) (Supp. 1975).

6. U.S., Department of Health, Education, and Welfare, Office for Civil Rights, Elementary and Secondary Public School Survey, Fall 1973.

7. U.S., Commission on Civil Rights, Desegregating the Boston Public Schools: A Crisis in Civic Responsibility (August 1975) (hereafter cited as Crisis in Civic Responsibility), p. xvi.

8. Ibid., p. xvii.

9. Morgan v. Hennigan, 379 F. Supp. 410 (D. Mass. 1974).

10. Id. at 424.

11. Id. at 476-77.

12. School Desegregation in Boston, p. 77.

13. Boston Globe, May 25, 1975, p. A-15, summarizing events of the previous year.

14. Crisis in Civic Responsibility, p. v.

15. U.S., Commission on Civil Rights, hearing, Boston, Mass., June 16-20, 1975, transcript, p. 283 (hereafter cited as Boston transcript).

16. Boston transcript, p. 329.

17. Ibid., testimony of John McDonough, p. 1057.

18. Ibid., testimony of John Kerrigan, p. 1057A.

19. The testimony of one school committee member degenerated to the level of name-calling with respect to the Vice Chairman of the Commission. See testimony of John Kerrigan, Boston transcript, p. 1090.

20. Ibid., testimony of Boston City Council members Louise Day Hicks, Gerald O'Leary, Lawrence Di Cara, and Albert O'Neil, pp. 1226-65.

21. Boston transcript, p. 967.

22. Boston transcript, p. 472.

23. Ibid., pp. 967-68.

24. *School Desegregation in Boston*, p. 100.

25. Ibid., p. 98.

26. James E. Fisk and Raymond T. Galvin, "Report on the Boston Police Department during the 1974-75 School Desegregation," report to the U.S. Commission on Civil Rights, June 30, 1975, p. 16.

27. Boston transcript, p. 234.

28. Affidavit of Paul V. Smith, educational data analyst, Children's Defense Fund of the Washington Research Project, Inc., filed in Morgan v. Kerrigan, Civ. Action No. 72-911-G.

29. Boston transcript, testimony of Donald Burgess, acting headmaster, Roslindale High School, p. 636-37.

30. Ibid., testimony of Helen Moran, former headmistress, Roslindale High School, pp. 625-26.

31. Ibid., Burgess testimony, pp. 634-35.

32. Memorandum of Decision and Remedial Orders, Morgan v. Kerrigan, 401 F. Supp. 270 (D. Mass. 1975), *motion for stay denied*, 523 F.2d 917 (1975).

33. Boston transcript, p. 94-95.

34. Ibid., p. 709.

35. Ibid., Atkins testimony, pp. 955-56.

36. Ibid., O'Sullivan testimony, pp. 706-707. Mr. O'Sullivan noted the "filth, the paint peeling off the walls. The girls' gym hadn't been heated in 3 years...the ladies' room for the girl students hadn't had doors on them for 2 years."

37. Edward Redd, executive director, Boston NAACP, interview, Boston, Mass., July 14, 1976; and *Boston Globe*, July 1976, p. 82.

38. Tom Marshall, field representative, Community Relations Service, U.S. Department of Justice, Region I, telephone interview, July 13, 1976.

39. Martin Walsh, Regional Director, Community Relations Service, U.S. Department of Justice, Region I, telephone interview, July 13, 1976.

40. Appointed Apr. 29, 1976, the 13-member committee met with senior city and State officials and community leaders and issued a report calling, among other things, for stronger leadership by the mayor, a uniform code of discipline for the school system, and a more "representative" Boston School Committee. Mayor's Committee on Violence, memorandum to Mayor Kevin White, June 23, 1976.

41. Ibid.

42. Marion Fahey, superintendent; Charles Leftwich, associate superintendent; Paul Kennedy, associate superintendent; Luis Perullo, director of evaluation; Francis X. Rich, acting director for reading; Jean Sullivan, Office of (Desegregation) Implementation, interviews, July 13 and 14, 1976.

43. School Department Annual Report, p. 16.

44. Edward Redd, interview, July 14, 1976.

45. Jessica Pearson and Jeff Pearson, "Litigation and Community Change: Desegregation of the Denver Public Schools," February 1976.

46. U.S., Commission on Civil Rights, transcript of public hearings, Denver, Colo., Feb. 17-19, 1976, testimony of Minoru Yasui, Denver Commission on Community Relations, transcript, pp. 201-02 (hereafter cited as Denver transcript).

47. Pearson and Pearson, "Litigation and Community Change," p. 1.

48. Ibid., pp. 39-42.

49. Ibid., p. 46.

50. Ibid., p. 48.

51. Keyes v. School District No. 1, 313 F. Supp. 61 and 313 F. Supp. 90 (D. Colo. 1970) *aff'd in part, rev'd in part and remanded*, 445 F.2d 990 (10th Cir. 1971), *modified and remanded*, 413 U.S. 189 (1973), 368 F. Supp. 207 (D. Colo. 1973), 380 F. Supp. 673 (D. Colo. 1974), *aff'd in part, rev'd in part and remanded* 521 F. 2d 465 (10th Cir. 1975), *cert. denied* 46 L.Ed. 2d 657 (1976).

52. 413 U.S. 189, 198 (1973).

53. Keyes v. School District No. 1, 46 L.Ed. 2d 657.

54. Denver transcript, p. 26.

55. Ibid., p. 542.

56. Ibid., p. 533 (Board Resolution No. 1796, May 10, 1974).

57. Ibid., p. 633 ff.

58. Ibid., p. 635.

59. Ibid., p. 86.

60. Ibid., p. 543.

61. Ibid., p. 658.

62. Ibid., p. 120.

63. Ibid., p. 122.

64. Ibid., p. 301

65. Ibid., see, for example, testimony of Paul Blue, executive director, KRMA-TV, p. 749.

66. Ibid., testimony of Richard E. Wylie, dean, School of Education, University of Colorado at Denver, p. 158.

67. Ibid., pp. 389, 795, 523.

68. Ibid., p. 328.

69. Ibid., p. 308.

70. Ibid., p. 1065-66.

71. Ibid., p. 1042.

72. Ibid., p. 99.

73. Ibid., p. 635.

74. Colo. Rev. Stat. Ann. §22-24-101 *et seq.* (Cum. Supp. 1975).

75. Denver transcript, p. 97.

76. Ibid., p. 503.

77. Ibid., p. 969. (Less than 5 percent of the system's teachers are Hispano.)

78. Ibid., p. 255.

79. Ibid., p. 1013.

80. U.S., Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States, 1974*, p. 906.

81. U.S., Department of Commerce, Bureau of the Census, *1970 Census of Population, Characteristics of the Population*, Vol. I, Part 11, Florida, Section I, p. 11--163, 11-536 (hereafter cited as *1970 Census*).

82. Hillsborough County, Planning Commission, Population and Housing Estimates: Apr. 1, 1970-Jan. 1, 1975, April 1975.

83. *1970 Census*, p. 11-206 and *Hillsborough County Population Estimates*, p. 22.

84. *1970 Census*, pp. 11-311, 11-341.

85. Each of Florida's 67 counties has a school district.

86. Hillsborough County, Elementary and Secondary Pupil Survey (1975).

87. Mannings v. Board of Public Instruction of Hillsborough County, Florida, No. 3554 Civ. T (M.D. Fla. decided May 11, 1971).

88. Id. at 4.

89. Id. at 8-9.

90. Mannings v. Bd. of Public Instruction 306 F. Supp. 497 (M.D. Fla. 1969).

91. Mannings v. Bd. of Public Instruction 427 F. 2d 874 (5th Cir. 1970). For definitions of these and other desegregation techniques, see "Restructuring of School Districts."

92. Hillsborough County School Desegregation Plan, 1971.

93. U.S., Commission on Civil Rights, *Five Communities: Their Search for Equal Education* (1972), and *School Desegregation in Ten Communities* (1973).

94. U.S., Commission on Civil Rights, hearing, Tampa, Fla., Mar. 29-31, 1976 (hereafter cited as Tampa transcript).

95. Tampa transcript, p. 38.

96. Ibid., p. 39.

97. *Tampa Tribune* editorial, July 7, 1971.

98. Tampa transcript, p. 177.

99. Ibid., p. 559.

100. Ibid., p. 564-65.

101. Ibid., p. 293.

102. Ibid., pp. 292-93.

103. Ibid., p. 331.

104. Ibid., p. 62.

105. Louisville Area Chamber of Commerce, *Louisville Area Directory of Manufacturers*, 1975-76.

106. Louisville Area Chamber of Commerce, Louisville Fact File Manpower, p. 10, undated.

107. Ibid., p. 11.

108. Louisville Area Chamber of Commerce, Louisville Business Trends, 1975.

109. Percentages which were unavailable for 1975 are based on 1970 U.S. Bureau of the Census, County and City Databook - 1972.

110. Jefferson County Board of Education, Number of Black and White Pupils and Percentage Black, Nov 17, 1975.

111. Newburg Area Council, Inc. v. Board of Education, 489 F. 2d 925, 929 (6th Cir. 1973).

112. Ky. Rev. Stat. Ann. §158.130.

113. Ky. Rev. Stat. Ann. §160.041(1971).

114. At the time of the vote, however, it was clear that if a merger were not effected under State law, the Federal district court would have required merger pursuant to a sixth circuit ruling in December 1974 calling for interdistrict remedy. Newburg Area Council, Inc. v. Board of Education, 510 F.2d 1358 (6th Cir. 1974).

115. Ky. Rev. Stat. Ann. §160.041(1971). A specific statutory provision insuring representation of Louisville constituencies on a merged board in the event the Louisville Board decided to cease operations was adopted by the State legislature in 1975.

116. Louisville Public Schools, Department of Education and Research, 1974-75 Membership Report, p. 61.

117. U.S., Commission on Civil Rights, hearing, Louisville, Ky., June 14-16, 1976, testimony of John Bell, Jefferson County Board of Education, p. 821-22 (hereafter cited as Louisville transcript).

118. Marie T. Doyle, "The Public School Merger Issue in Jefferson County, Kentucky" (doctoral dissertation), University of Kentucky, 1974.

119. Jefferson County Public Schools, 1974-75 Annual Statistical Report (January 1976), p. 24.

120. Ky. Rev. Stat. Ann. §158.020.

121. Newburg Area Council, Inc. v. Board of Education, 489 F.2d 925, 927-28 (6th Cir. 1973).

122. Id., 489 F.2d at 930.

123. Newburg Area Council, Inc. v. Gordon, 521 F.2d 578 (6th Cir. 1975).

124. Complaint, Newburg Area Council, Inc. v. Board of Education, Civil Act. No. 7045, (W.D. Ky., filed Aug. 27, 1971).

125. Complaint, Haycraft v. Board of Education, Civil Act No. 7291 (W.D. Ky., filed June 22, 1972).

126. Newburg Area Council, Inc. v. Board of Education, 489 F.2d 925 (6th Cir. 1973).

127. Id. at 932.

128. Milliken v. Bradley, 418 U.S. 717 (1974).

129. Newburg Area Council, Inc. v. Board of Education, 510 F.2d 1358, 1360 (6th Cir. 1974).

130. Board of Education v. Newburg Area Council, Inc., 421 U.S. 931 (1975).

131. Findings of Fact and Conclusions of Law, Newburg Area Council, Inc. v. Board of Education, Civil Act. Nos. 7045 and 7291, (W.D. Ky., July 30, 1975).

132. Newburg Area Council, Inc. v. Board of Education, Civil Act. Nos. 7045 and 7291 (W.D. Ky., appeal argued June 14, 1976, before three-judge panel, decision pending as of July 23, 1976).

133. Memorandum Order and Opinion, Newburg Area Council, Inc. v. Board of Education (W.D. Ky., May 18, 1976).

134. Order of Dec. 22, 1975, Newburg Area Council, Inc. v. Board of Education, C.A. Nos. 7045 and 7291 (W.D. Ky., Dec. 19, 1975).

135. Order of Apr. 1, 1976, Newburg Area Council v. Board of Education, C.A. Nos. 7045 and 7291 (W.D. Ky., March 1976).

136. Louisville transcript, testimony of Darrell Moore, Durrett High School, p. 27.

137. Ibid., testimony of Wanda Hoosier, Iroquois High School, p. 30.

138. Ibid., testimony of Mary Theresa McAnnally, Thomas Jefferson High School, p. 28.

139. Ibid., testimony of Darrell Moore, Durrett High School, pp. 48-49.

140. Ibid., pp. 76-77.

141. Ibid., p. 392.

142. Ibid., p. 367.

143. Ibid., p. 368.

144. Ibid., p. 442-43.

145. Ibid.

146. Ibid., testimony of Galen Martin, executive director, Kentucky Commission on Human Rights, p. 392.

147. Ibid., testimony of Todd Hollenbach, pp. 462-64, 474-75, 479-80.

148. Ibid., p. 480.

149. Louisville, Ky., Office of the Mayor, press release, testimony of Harvey I. Sloane, presented to the Committee on the Judiciary U.S. Senate, Oct. 29, 1975, p. 14.

150. Louisville transcript, pp. 467-68.

151. Ibid., p. 390.

152. Ibid., testimony of Russell McDaniel, chief, Jefferson County Police, and Lt. Col. Leslie Pyles, commander, Kentucky State Police Department, pp. 421-22.

153. Ibid., pp. 398-99, 418-19.

154. Ibid., pp. 419-20, 428-29.

155. Ibid., p. 453.

156. Ibid., p. 190.

157. Ibid., testimony of Roy H. Reubenstahl, vice president and general manager, A&P Foods, Inc., Louisville Division, p. 109.

158. Ibid., p. 192.

159. Ibid., testimony of Robert Kling, Kling Company, p. 172.

160. Ibid., pp. 174-75.

161. Ibid., testimony of James L. Watkins, manager, KIMECO Variety Store, Fairdale, pp. 177-78, 180.

162. Ibid., testimony of Stanley Gault, vice president, Major Applicance Division, General Electric, p. 205.

163. Ibid., p. 206.

164. Ibid., testimony of John Harmon, president, UAW; Leonard Smith, executive secretary, AFL-CIO; John Shre, chairman, United Labor Against Busing, pp. 245-62.

165. Ibid., testimony of Lyman Johnson, p. 387.

166. Ibid., testimony of Galen Martin, p. 375.

167. Ibid., p. 376.

168. Ibid., testimony of Lois Cronholm, p. 379.

169. Ibid., p. 395.

170. Ibid., testimony of John Bell, p. 842.

171. Ibid.

172. Ibid., testimony of Joel Henning, pp. 678-714.

173. Ibid., testimony of Camellia Brown, chairperson, Louisville-Jefferson County Defense Project, p. 578.

174. Ibid., p. 579.

175. Ibid., p. 724.

176. Ibid., testimony of J.C. Cantrell, p. 730.

177. Ibid., p. 731.

178. Ibid., testimony of Mary Theresa McAnnally, p. 40.

179. Ibid., p. 722.

180. Ibid., testimony of Mary Theresa McAnnally, p. 29.

181. Ibid., testimony of Gene Bolton, Fairdale High School, p. 517.

182. Ibid., testimony of Paul Brown, p. 405.

183. Ibid., testimony of Vicki Brewer, Shawnee High School, p. 525.

184. Ibid., testimony of Fannie Gul, human relations coordinator, Valley High School, p. 509.

185. Ibid., testimony of Martha Hedrick, teacher, Smyrna Elementary School, p. 114.

186. Ibid., testimony of Gloria Fischer, president, Parent Teacher Association, Central High school, p. 602.

187. Ibid., testimony of Robert Cunningham, founder, Parents for Quality Education, p. 71.

188. U.S., Department of Commerce, Bureau of the Census, Characteristics of the Population, part 6, California, table 6, p. 11.

189. Ibid., table 23, p. 103, and table 96, p. 679. The Anglo percentage was computed by subtracting the Spanish-

origin population in table 96 from the white population in table 23.

190. Berkeley Unified School District, Report of the Student Racial Census, Fall 1975 (mimeographed), p. 1.

191. U.S. Commission on Civil Rights, California Advisory Committee open meeting, Berkeley, Calif., Mar. 19, 20, 1976, transcript , p. B-158. (hereafter cited as Berkeley transcript).

192. Berkeley transcript, testimony of Judge Spurgeon Avakian, former school board member, p. A-13.

193. Ibid., pp. A-13-15.

194. Carol Sibley, Never a Dull Moment (Berkeley, Calif.: Documentation and Evaluation of Experimental Projects in Schools, 1972), p. 50.

195. Berkeley transcript, p. A-8.

196. Ibid., pp. A-18-19.

197. Ibid., p. A-21.

198. Ibid., pp. A-25-26.

199. Ibid., p. A-43.

200. Ibid., testimony of Alan Young, counselor, p. B-85.

201. Ibid., pp. B-79-80.

202. Ibid., testimony of Jimmy Harold, Jr., student body president, Berkeley High School, pp. A-123-24; testimony of Donna McKinney, parent, p. B-111; testimony of Judy Bingham, president, Berkeleyans for Academic Excellence, p. B-182.

203. Ibid., pp. B-124-25.

204. Ibid., p. B-123.

205. Ibid., testimony of Judy Bingham, p. B-182.

206. Ibid., testimony of Clementina Almaguer, coordinator, Chicano studies program, pp. A-172-73.

207. Ibid., p. B-69.

208. Ibid., p. B-69.

209. Ibid., p. A-56.

210. Ibid., p. B-149.

211. Ibid., p. A-26.

212. U.S. Commission on Civil Rights, Minnesota Advisory Committee, open meeting, Minneapolis, Minn., Apr. 22-24, 1976, transcript, pp. 18-27. (hereafter cited as Minneapolis transcript).

213. Ibid., p. 19.

214. Booker v. Special School District No. 1, Minneapolis, Minn., 351 F. Supp. 799 (D. Minn., 1972).

215. Id. at 802-804.

216. Id. at 803.

217. Id. at 804.

218. Minneapolis transcript, p. 398.

219. Ibid., p. 26. The court recently stated that the enrollment of any particular minority group could not exceed 35 percent. The total of all minority groups could not exceed 42 percent in a particular school. Court Order of May 7, 1975, D. Minn. CA4-71-Civ 382.

220. Minneapolis transcript, p. 18.

221. Ibid., p. 421.

222. Ibid., p. 69.

223. Ibid., pp. 71-72.

224. Ibid., p. 92.

225. Ibid., p. 398.

226. Ibid., pp. 471-72.

227. Ibid., p. 188.

228. Ibid., p. 424.

229. Ibid., pp. 392 and 411.

230. Ibid., p. 963.

231. Ibid., p. 564.

232. Ibid., p. 566.

233. Ibid., pp. 215 and 218.

234. Ibid., p. 631.

235. Ibid., p. 515.

236. Ibid., p. 834.

237. Ibid., p. 630.

238. Ibid.

239. Ibid., p. 330.

240. U.S., Department of Commerce, Bureau of the Census, *Characteristics of the Population*, part 8, *Connecticut*, table 16, p. 36.

241. Ibid., table 23, p. 53 and table 96, p. 311. The white percentage was computed by subtracting the Spanish-origin population in table 96 from the total total white population in table 23.

242. Moss v. Stamford Board of Educ. 350 F. Supp. 879 (D. Conn. 1972).

243. Moss v. Stamford Board of Educ. 356 F. Supp. 675 (D. Conn. 1973).

244. U.S., Commission on Civil Rights, Connecticut Advisory Committee open meeting, Stamford, Conn., Apr. 19, 1976, transcript (hereafter cited as Stamford transcript).

245. Stamford transcript, p. 67.

246. Ibid., p. 469.

247. Ibid., p. 244.

248. Ibid., p. 232.

249. Ibid., p. 115.

250. Ibid., p. 228.

251. Margaret C. Toner, director of special pupil services, Stamford School Department, staff interview, Mar. 5, 1976.

252. Ibid., p. 448.

253. U.S. Department of Commerce, Bureau of the Census, Characteristics of the Population, part 45, Texas, table 16, p. 96.

254. Ibid., table 23, p. 117 and table 96, p. 683. The Anglo percentage was computed by subtracting the Spanish-origin population in table 96 from the total white population in table 23.

255. 324 F. Supp. 599 (S.D. Texas, 1970).

256. Ibid., p. 606.

257. Ibid., pp. 617-19.

258. Ibid., p. 620.

259. Cisneros v. Corpus Christi Independent School District, 330 F. Supp. 1377 (S.D. Texas, 1971).

260. Ibid., pp. 1393-96.

261. U.S., Commission on Civil Rights, Texas Advisory Committee open meeting, Corpus Christi, Tex., May 4-5, 1976 (hereafter cited as Corpus Christi transcript).

262. Ibid., vol. I, p. 17.

263. Ibid., vol. I, p. 39.

264. Corpus Christi Caller Times, "Busing: First Year is Relatively Quiet," Dec. 21, 1975, p. 1-C.

265. Corpus Christi Caller Times, "Junior High Shuffle Not Certain," Feb. 18, 1976, p. 1-B

266. Corpus Christi transcript, vol. III, p. 86.

267. U.S., Equal Employment Opportunity Commission, Elementary-Secondary School Staff Information, EEO-5 Public School System-CCID, Oct. 1, 1975.

268. Four of the case studies--Berkeley, California; Corpus Christi, Texas; Minneapolis, Minnesota; and Stamford, Connecticut--were also open meeting sites and were described in the previous section.

269. Person of Spanish origin were classified as white.

270. Native Americans were classified as white.

271. For a definition of these and other desegregation techniques, see chap. III, sec., "Restructuring School Districts."

272. Unusable responses to the superintendents' questionnaires were those which left 8 or more questions unanswered or did not indicate whether the district had taken steps to desegregate. Because of missing data on some questionnaires, the number of districts may vary from table to table. An attempt to sample opinion from others in the school districts yielded unreliably low levels of usable responses: only 23 percent of the heads of chambers of commerce, 35 percent of the NAACP chapter presidents, and 17 percent of the mayors or city managers produced usable questionnaires.

273. Approximately 18 percent of the districts for which data are available in 1972 do not have comparable data for 1968. Those districts are not included in the analyses.

274. See James S. Coleman, Sara D. Kelly, and John A. Moore, Trends in School Segregation, 1968-73 (Washington, D.C.: The Urban Institute, 1975), p. 9.

275. Table 2.7 was also computed for those districts that desegregated during 1968-72 as well as 1968-70. The computations showed no significant departure from the figures presented in table 2.7 for those districts desegregated throughout the 10-year period.

276. Serious disruption is defined as "serious disruptions of the educational process for a period greater than two weeks."

III. EXPERIENCE WITH SCHOOL DESEGREGATION

The following section describes the various elements of the desegregation process, including the means by which it has been and is being brought about in hundreds of school districts, and the impact that it has on various important aspects of public education and community life generally.

Perhaps the most important ingredient in successful school desegregation is leadership, both at the community level and in the schools. The creation of one desegregated public school system involves substantial administrative and social change. The school board, school administrators, political leaders, police officials, religious and business groups, the media, and other public and private organizations can and must explain the law and insist that it will be enforced. They must also ensure that desegregation will be achieved through careful and thorough planning. The record shows that where such leadership exists, desegregation is more likely to be achieved with minimal difficulty. Where it is lacking, on the other hand, desegregation may be accompanied by confusion, anxiety, and perhaps disruption on the part of students or, more likely, parents.

As part of the planning for school desegregation, administrators should develop projects to involve and inform the community in all aspects of desegregation. Where such planning exists, school administrators have been able to develop support and acceptance of desegregation and bring the school and community into closer contact. In addition to examining the role of leadership in desegregation, this analysis also explores the changes often made in educational systems in order to make them serve the needs of all students. Desegregation usually involves a major review of the educational process. Such a review is certainly valuable in itself in that it leads to additional training of teachers and staff, revised curricula and textbooks, new instructional techniques, and improved physical conditions at many schools. In such ways, the quality of education is improved to benefit both white and minority children.

Another subject of concern to some is the technical or administrative feasibility of achieving desegregation. As the following section reveals, there are serious misconceptions about the role of pupil transportation in desegregation. The experiences of the school districts studied in connection with this report, however, make clear that the technical problems in achieving desegregation are far less formidable than previously believed.

Another subject examined here is faculty desegregation. In addition to the need to end the discrimination inherent in faculty segregation, minority administrators, faculty, and staff play a vital role in easing student adjustment to desegregation. Their understanding of the concerns of minority children is required at all levels of the educational structure, especially in view of the insensitivity which reduces the effectiveness of some white educators in desegregated schools. Such minority representation will strongly enhance the likelihood that school desegregation will be a positive experience for the entire community.

An examination of the school desegregation experiences of many school districts must also include a look at the extent of desegregation within schools and classrooms in ostensibly desegregated school systems. A problem common to many desegregated districts is resegregation within the classroom that may result from various student assignment practices. These practices and the need for and use of alternatives in many schools are described. Similarly, the techniques which many school districts have used to ensure uninterrupted opportunities for participation in desegregated extracurricular activities are illustrated.

Positive student attitudes clearly are important in assessing the success or failure of desegregation. The Commission has found in the past that desegregation often leads to more positive interracial attitudes and understanding among students. The Commission's latest research reaffirms the fact that students, particularly whites, continue to be more supportive of desegregation and busing than their parents.

Finally, the nature and scope of disciplinary problems in desegregated schools continues to be a subject about which there is much public misunderstanding. Many parents, minority and white, fear for their children's safety when threats or predictions of violence permeate the streets and schools prior to or during implementation of desegregation. In fact, there is far less racial conflict in desegregated schools than is commonly believed, and the scope of disruption in the schools, whatever its cause or nature, is often exaggerated. The problem of discrimination in disciplinary policy, however, is often acute, and this problem, not the myth of unrelieved turmoil and rampage, is the reality that must be dealt with for desegregation to be effective. As this discussion reveals, many school districts have provided human relations training for faculty and staff and have reviewed disciplinary codes and minority pupil suspension rates in order to ensure that student disciplinary policy is firm but fair.

Other factors also must be studied in assessing the national experience to date with school desegregation. For example, the increased degree of parental involvement in school affairs, as a direct result of the desegregation process, often helps to improve educational services in our public schools. Similarly, desegregation often leads to greater student involvement in such areas as a school's disciplinary policy and human relations programs.

The purpose of school desegregation is to provide equal educational opportunity for all students, a right guaranteed by the 14th amendment. While most Americans accept this human right in principle, many question whether school desegregation is necessary to achieve it. The evidence in such communities as Hillsborough County, Florida, Minneapolis, and Berkeley, for example, where desegregation has been in effect for some time, is that, contrary to the view that desegregation would be achieved at the expense of the white majority, desegregation has brought about changes which benefit everyone. Far from lowering the quality of education as some predict, desegregation has actually contributed to its improvement in many instances. Far from heightening racial tension and conflict, desegregation has contributed to improved interracial understanding and relations in most schools.

This report makes clear that although minority parents, teachers, and administrators frequently encounter obstacles to effective desegregation, even in ostensibly desegregated districts, the minority community remains the major impetus for desegregation. Most firmly believe that desegregation is indeed worth the effort, and they do not want to return to the segregated schools of the past. The Commission has found similar attitudes among many white parents, students, and educators in desegregated school districts.

School desegregation impacts at many different points in public education and community life. The experiences described here clearly indicate that, in the last analysis, whether that impact is generally beneficial or adverse depends in large measure upon the determination and the planning of school and community leaders. The Commission believes that the Nation's experience with school desegregation fully supports the conclusion of the principal at Little Rock's desegregated Central High School:

> ...we are moving in the right direction. The Constitution says it's right, and the quality of [our] democracy demands it....There are frustrations and temporary setbacks...[but] we can have equity and quality. That's the goal, the principle.[1]

THE ROLE OF LEADERSHIP

The process of school desegregation is significantly affected by the support or opposition it receives from the local community's leadership. Across the Nation in the various school districts included in the Commission study, where officials and community leaders have given their support, the process of desegregating the schools has tended to go relatively smoothly. In these districts the community at large more readily accepted desegregation. Where civic leaders publicly oppose desegregation, however, they provide sanction to its opponents, who believe they have been given license to disobey the law and disrupt the community and its schools in protest.

As early as 1968 the Commission's study of school desegregation in Virginia found that effective desegregation had occurred where school officials had taken the position that Federal law must be obeyed and that desegregation could be accomplished.[2] More recently, the Commission has found further evidence to substantiate the importance of positive leadership in desegregation.

In its national survey, the Commission found that superintendents' responses in 532 school districts which had desegregated within the last 10 years showed that the level of opposition among local leaders just prior to implementation of desegregation was far greater in districts which reported serious disruptions of the educational process.[3] Of 411 districts where superintendents reported no serious disruptions on the issue of school desegregation, superintendents said:

- Business leaders were supportive or neutral in 65 percent.
- Political leaders were supportive or neutral in 67 percent.
- Religious leaders were supportive or neutral in 87 percent.

Of 95 districts which reported serious disruptions:

- Business leaders were supportive or neutral in 27 percent.
- Political leaders were supportive or neutral in 30 percent.
- Religious leaders were supportive or neutral in 66 percent.

Superintendent and School Board

Affirmative leadership by school board members and superintendents is a critical factor for acceptance and peaceful implementation of desegregation. Individuals interviewed in 23 of 29 school districts in which case studies were conducted said that the superintendent's positive leadership had contributed to the smoothness with which desegregation was implemented. In 15 school districts, persons interviewed said the school board's support had a noticeable impact on the desegregation process. Support from superintendents and school boards included appointing human relations committees, making strong public statements in support of desegregation, and initiating activities or programs to facilitate desegregation.

According to school officials in Hillsborough County, the school board's decision not to appeal the 1971 court decision but to make every effort to comply was the first step toward successful desegregation.* In anticipation of the court order, the superintendent began developing a desegregation plan. The Hillsborough County School Board, recognizing the importance of involving the total community, set up a 156-member community desegregation task force. Businessmen, military personnel, students, parents, religious leaders, the media, as well as antibusing groups were represented on the task force. As a result, desegregation in Hillsborough County was implemented without violence or disruption.

In contrast, the Boston School Committee adamantly refused to take the affirmative steps necessary to desegregate Boston's public schools successfully. In a report on desegregation in Boston the Commission concluded that, "the effect of the Boston School Committee's statements, policy, and inaction was to foster within the community outright resistance to school desegregation."[5] The school superintendent also provided a minimum of guidance to the Boston school department.[6]

In Berkeley, Calfornia, which desegregated voluntarily in 1968, the board of education passed a resolution stating that desegregation was "absolutely their goal."[7] Asked what she considered the single most important factor in desegregation in Berkeley, a former school board member said, "I think it was the total community involvement under the leadership of both the board and the superintendent."[8]

Union Township, New Jersey, implemented an HEW-approved desegregation plan in 1969. Observers attribute its success to the school board's early unanimity, its ability to "stick to its guns," and the dedication and commitment of the superintendent of schools. Affirmative and determined leadership enabled the community to avoid most of the hysteria and blind resistance which troubled other school districts.[9] In Minneapolis, Minnesota, which desegregated in 1973, many residents believe that desegregation has been successful because of the consistent, positive approach taken by the school administration in informing and molding community support for the desegregation process.[10]

In Prince George's County, Maryland, which desegregated in the middle of the 1972-73 school year, the school board resisted to the very end, causing community polarization and dissension. In his final decree, Judge Frank Kaufman stated:

> ...the Prince George's County School Board has disregarded the mandates of the highest court of our land...the policy and practice apparently followed by a number of school board members of seeking at every stage and at every available moment, ever further delays, and of failing to exert affirmative leadership to effect required constitutional change, discourages further delay....[11]

In Bogalusa, Louisiana, many school board members were opposed to any desegregation effort. Although the board directed the superintendent to develop a plan to comply with a court order, it made known its opposition and the fact that it was complying only because there was no alternative. A community representative cited the school board's attitude as most damaging to initial desegregation efforts because of its negative effect on the community.[12] In Greenville, Mississippi, on the other hand, leadership at all levels--school, community, business, and media--worked together to bring about desegregation in that community.[13]

In Charlotte-Mecklenburg, North Carolina, where court-ordered desegregation was implemented in 1970, the general view among those sympathetic to the plan is that the school board did not provide active support and there has been little support by leaders elsewhere in the city or county. To the extent the plan has worked, various individuals said, credit goes to the superintendent and his professional staff. In 1972 the Charlotte-Mecklenburg Community Relations Committee, after studying the causes of school disorders and community tensions, criticized the school board for its "interim" attitude and declared:

> ...our first and firmest attention should be turned from discontent with courts...to our schools and the way in which they educate our children. The Committee believes that leadership from the board of education and from others--elected and private civic leaders alike--will cause this community's parents to reaffirm their belief in good education.[14]

Pontiac, Michigan, desegregated in 1971-72 amidst turmoil and violence--10 school buses were bombed in the bus depot and buses carrying young children were attacked by mobs of adults. Community leaders in Pontiac criticized the board of education and top school administrators for their failure to exert affirmative leadership:

> The school board knew it was in the wrong, but refused to admit it, even after all court appeals had been exhausted; the board misled the public.

> The community would have been more cooperative if the superintendent had said, "We are desegregating because it is the right thing to do for the children."[15]

Political Leadership

Generally, local elected officials, other than school board members, have no direct authority over the public school system. However, their public response to a desegregation plan can have a positive or negative effect in a community where there is controversy. Where public officials actively support the desegregation process, the community generally directs its attention toward making the process work. Even where political leaders have actually opposed the specifics of a court order, the Commission has found that if they take a position of "obedience to the law," the result is a positive contribution to the desegregation process. This was true in a number of districts, including Springfield, Massachusetts; Newport News, Virginia; and Minneapolis, Minnesota.

Minoru Yasui, executive director of the Denver Commission on Community Relations, said:

> I think probably the greatest strength has been that in the City and County of Denver, both the administration and even those who oppose the specific court order have felt that obedience to the law is a very important and integral part of the community. I believe the city administration has always backed this kind of a stand, that if

> there is a law on the books, it should be obeyed by law-abiding citizens.[16]

Although no elected city officials in Denver made public statements in support of school desegregation, the mayor directed the Denver Commission on Community Relations to "be involved in whatever was necessary to alleviate the tensions caused by school desegregation."[17]

In Boston the Commission found that public statements of the mayor during the school desegregation crisis confused the public and constituted a disservice to the rule of law.[18] Some of Mayor White's public statements included the following:

> We are all faced with the unpleasant task of implementing a court order.
>
> Compliance with law does not require acceptance of it; tolerance does not require endorsement of law.
>
> People who would boycott schools are asked to weigh the decision carefully, but it is their decision to make. Parents should attend open houses at schools before making final decision to send or not send students to school.[19]

Local and State politicans in Maryland as well as the district's Member of Congress made public statements on the anarchy and chaos that would accompany school desegregation in Prince George's County.[20] No leadership was exerted by most top county or State officials in behalf of compliance with the court order, and the community divided on the issue of desegregation.[21]

In contrast, officials in Tampa and Hillsborough County took a neutral position on school desegregation and credited the school board with the successful implementation of desegregation. Richard Greco, former mayor, said: "It was their responsibility. It was a tough problem. They got in there and did their job and I think that you would have to say that the city, the county, and everyone else was somewhat neutral...because it wasn't our realm of responsibility."[22] Local officials agreed that the political community refrained from making the desegregation issue a political football.

In Louisville the desegregation issue did become a political football. The Governor of Kentucky, the mayor of Louisville, and the Jefferson County judge testified against court-ordered desegregation during the Senate Judiciary Committee hearings prior to the 1975 election. In the wake of violence in Louisville, an editorial in The State Journal addressed the leadership problem:

> Both the Governor and Jefferson County Judge Todd Hollenbach, while strongly stating their intentions to restore order in the city, appeared determined to let everyone know how much they oppose court-ordered busing...if the Governor keeps saying how bad busing is, throwing a brick

> at a police car can be seen by emotion-laden minds as doing the Governor's business.[23]

The Jefferson County school system is about to enter its second year of desegregation. Asked if he has taken steps to bring the community together for better implementation of the court order, County Judge Louis J. Hollenbach testified that he and Mayor Harvey Sloane have appeared before many groups to focus attention on alternatives to busing and have submitted these alternatives to the school board. The alternatives are not within the scope of the existing court order.[24] Thus, it appears that the chief executives of Louisville and Jefferson County will continue to undermine the letter and the spirit of the law with respect to school desegregation in the Louisville community.

Law Enforcement

Law enforcement agencies, as part of local government, often reflect the position of local officials. Consequently, if elected officials are committed to peaceful implementation of desegregation, law enforcement agencies respond accordingly.

Following the Denver court order in the spring of 1974, the police department began contingency planning for the possibility of violence or disorder. Police officials met with school officials to discuss potential problems during the remainder of the school year and in the fall. The chief of police testified:

> ...we felt that at one of our high schools we might have a problem....We enabled the officers...to go to that school...to determine if there were any possibilities. We did have alert circumstances, not uniform cars, in the area, but available with helicopter surveillance...no problems came out.[25]

The Hillsborough County Sheriff's Department and the Tampa Police Department were involved in a workshop sponsored by the school administration to "let us in law enforcement know what the plan was to be." Sheriff Malcolm Beard said, "We were prepared for any problem that might arise....we had no problems."[26] Both the sheriff and the chief of police said their departments maintained a very low profile although they were well prepared: "We had some areas where we thought...a problem might occur, and we had manpower there, but they were not conspicuous. They were not on the scene...but they were available."[27]

Law enforcement decisions made by Boston officials clearly influenced the course of events.[28] Although the police had prior information that resistance to desegregation would be massive in certain areas of the city, they neglected to provide adequate police presence in those areas. As a result, massive civil disorder occurred, leading the mayor to announce shortly after the opening of school that the city could not maintain public safety.

With tension at a peak and the potential for violence running high, Memphis schools opened in 1972-73 on a desegregated basis with no serious incidents or arrests.[29] This occurred despite opposition by the mayor and the city council and a national antibusing rally in Memphis the weekend before school opened. The director of police made it clear that the police would enforce the court order:

> When the date for busing arrived, we wanted it done in a normal environment--no force, no strong-arm tactics, no sea of uniforms. We were totally mobilized and ready, but we were in the background, not in the schools or on the buses....We were candid about what we would do, but we didn't want anybody but the school people involved in the actual movement of children. I know we've got some men with deep racial bias, but a real professional has to subordinate his personal feeling to his duty.[30]

Business, Religious, and Organizational Leadership

In many school districts affirmative leadership by members of business, religious, and social service organizations has contributed immeasurably to community acceptance of desegregation.

The Chamber of Commerce in Memphis made peaceful implementation of the court order its highest priority and helped form IMPACT--Involved Memphis Parents Assisting Children and Teachers. It also used its own public relations firm to enlist support. The executive director of the chamber said, "It had to be done. We don't want this town to go down the drain."[31] One community leader said of the leadership coalition of the chamber, the school system, the black community, and IMPACT:

> When a city's power structure makes up its mind to face up to an issue like desegregation, it can do it--and do it in an impressive and encouraging way. Even though officials of the local, State and Federal governments did all they could to stop busing, there were enough people here who wanted to do the right thing and they did it...and the result was a victory for Memphis.[32]

The Greater Tampa Chamber of Commerce endorsed desegregation of the schools. Its executive vice president said, "If the chamber endorses it...we represent about 4,000 business firms and individuals--I think it has a good bit to do with how the community responds."[33]

In Greenville, Mississippi, the business leadership reportedly raised $10,000 from private sources for a professional public relations firm to publicize school desegregation.[34]

On the other hand, the Louisville Chamber of Commerce has moved from a public position of support for the peaceful implementation of court-ordered desegregation to one of opposition to court-ordered busing.[35] The reversal, precipitated by community opposition and intimidation of small businesses by antibusing elements, fueled the discontent and disobedience.

There was considerable support for school desegregation from the Denver clergy. Ecumenical prayer services were held, and the Council of Churches and its Clergy Committee for Reconciliation spoke out in favor of peaceful implementation of the plan. Both the United Methodist Church and the Roman Catholic Church officially communicated their support for school desegregation to their clergy.[36] In addition, the Roman Catholic Church in Denver, as well as in Louisville, Tampa, Boston, and other communities, issued directives forbidding the use of Catholic schools as a haven for whites trying to avoid desegregation.[37]

A coalition of 49 Denver community organizations, PLUS (People Let's Unite for Schools), worked to involve the entire community in the desegregation process.

The Media

Media coverage of school desegregation has an enormous impact upon local and national opinions and perceptions. Consequently, many school districts have attempted to work closely with the news media. In Denver the court-appointed monitoring committee met with media executives to ask their cooperation in presenting the positive side of desegregation. A committee member said:

> ...I think that both of the newspapers have, in general, done a good job of this....They have reported the facts, they have traced down rumors before putting them on the front page.[38]

Local newspapers in Memphis reportedly did a "superlative" job of covering school desegregation and took editorial positions favoring peaceful implementation of the court order.[39] Many people felt, however, that national coverage was misleading and had a negative effect on the city.[40] In Corpus Christi, Texas, the local media were strong advocates of desegregation, in particular, the Corpus Christi Caller-Times which won a statewide Associated Press award.[41]

The Boston Community Media Council (BCMC), a biracial organization of print and broadcast news management personnel, made a constructive effort to plan the local media's role during Phase I of Boston's desegregation effort.[42] The council held training sessions:

> The briefings at times emphasized the obvious: the importance of checking out rumors and tips; the need to be inconspicuous and to stand back from any outbreaks to avoid the appearance of encouraging them. The television people weighed the use of film reports...to provide an overall sense of perspective...the newspaper people stressed the importance of avoiding code words or inflammatory descriptions ("cruel," "savage," or "brutal") in their copy.[43]

The Boston Globe was awarded the Pulitzer Prize in 1975 for its coverage of the school desegregation crisis. The local media later abandoned the BCMC "plan" and each pursued an independent course of action. National media coverage, particularly of incidents of violence during the fall of 1974, engendered widespread feeling in Boston that reporting had been sensationalized and thereby distorted.[44]

According to community leaders in Dorchester County, Maryland, the media coverage of desegregation was negative and served to exacerbate the problems. In 1970 the superintendent, who was opposed to desegregation, wrote to the Department of Health, Education, and Welfare, criticizing Dorchester News stories as unethical.[45] The Delta Democrat Times in Greenville, Mississippi, was praised for keeping the community informed and for its positive response to desegregation.[46]

The media in Louisville was severely criticized by some community leaders. Dr. Lois Cronholm, director of the Louisville-Jefferson County Human Relations Commission, said:

> I think the news media produced a picture in this community that the great majority of the people, 90 percent or more...were opposed to busing. It became the expectation for most of our citizens to oppose busing because they really believed that not to oppose busing would have meant to have gone against what appeared to be the overwhelming moral

> current of opinion. From this standpoint I would criticize the news media.[47]

Galen Martin, director of the Kentucky Commission on Human Relations, testified that the media misled the community through its overuse of slogans and its "glamorization of the hate group leaders." He said:

> We have had more than 12 court orders for desegregation. But this is the first time...that the media have ever described it as court-ordered forced busing across racial lines to achieve balance....[48]

There was also testimony that the media had failed in its responsibility to inform the public on the reasons for desegregation:

> [It] failed to tell white people about the brutality of segregation, how bad the schools were so that they see a little busing is better than the defects of segregation.[49]

Although the leading newspapers endorsed busing for desegregation and advocated peaceful implementation, a leading television station editorialized for a constitutional amendment or other alternatives to busing. The Courier-Journal printed an editorial on the responsibility of the media during desegregation:

> The most sensitive issue the news media in this community has had to handle in many, many years is that of school desegregation....
>
> On this issue we all bear an extra burden of accuracy--to publish or broadcast facts rather than unsubstantiated rumor. The way the community

> copes with integration this fall may well reflect the responsibility with which news organizations have kept people informed. Unreliable reporting damages the community....[80]

The Courier Journal and WHAS-TV in Louisville won national Sigma Delta Chi awards for their coverage of desegregation.

In summary, where public and private leaders publicly supported the peaceful implementation of school desegregation, whether court-ordered or voluntary and irrespective of the mechanics used, the process tended to proceed smoothly and more effectively than in districts where such support was lacking. Affirmative leadership is crucial to the achievement of school desegregation in a community. Such leadership is most important in school districts where there is opposition because undisciplined opposition can lead to community disruption and violence. In periods immediately before and after implementation of desegregation, when apprehension is often widespread, local leaders must reassure the community that desegregation can and will be accomplished peacefully and successfully. Without commitment from the top, the task of desegregating is made more difficult.

PREPARATION OF THE COMMUNITY

Many school districts undertake a variety of activities to involve and educate the community, particularly parents, prior to school desegregation. The purpose is to engender acceptance and support for school desegregation and create an atmosphere of cooperation and comradeship between school and community.

Leadership for these activities may come from the school administration,[51] from community organizations,[52] or from principals of individual schools.[53] Often with the assistance of local parent teacher organizations, individual schools have been able to desegregate peacefully and smoothly, even when they are part of a school system otherwise marked by disruptions.[54]

A vital part of these activities is to keep the community thoroughly informed. A Greenville, Mississippi, school administrator reported that the school district had sponsored a television program explaining the desegregation plan so there would be "no surprises."[55] Information was notably absent in Phase I of the Boston school desegregation process.[56] This contributed to "confusion, duplication of effort, and inaction."[57]

Involving the Community

Community preparation has been handled in several ways and at different stages of the school desegregation process. In Hillsborough County (Tampa), the school administration sought citizen involvement in the initial development of the plan:

> It was our feeling at that time since the schools belong to the people that the people should help resolve the problems. So it was part of the format or strategy for coming up with the plan to get some community involvement.[58]

Immediately following the 1971 court order,[59] school administrators organized a 156-member citizens' committee, the Hillsborough County Citizens Desegregation Committee, which included black and white leaders and opponents as well as advocates of school desegregation. This committee reviewed plans and options that had been developed by 20 school administrators and 5 lay persons under the direction of E.L. Bing, who is now assistant school superintendent for supportive services. All meetings of the committee were open, and newspaper and radio advertisements strongly urged the public to attend.[60] The press was present at all sessions and reported on all the proceedings. Broad involvement of the community and the media was cited by school administrators and private citizens as a major factor in the acceptance of school desegregation in Tampa.[61] Because a large segment of the community helped develop the plan, they had an investment in its outcome.

In other places, school administrations have not directly involved the community in the development of a plan, but have provided opportunities for participation at strategic points in the desegregation process and have sought to keep the community informed.

In Minneapolis, prior to desegregation, the board of education held several open meetings and a public hearing to explain its plan. After adoption, the board held nearly 100 meetings to provide further explanation.[62] By the time implementation began, the community had been assured that desegregation would be educationally beneficial.[63]

Community education was a basic component of the school desegregation plan developed in Kalamazoo, Michigan. Large public hearings were held for presentation of the plan and for citizen input.[64] The plan also included an information center staffed by community volunteers.[65]

Information and Rumor Control Centers

Information and rumor control centers have been established by numerous school systems in the process of desegregating.[66] Such centers generally begin operating a few months before school desegregation begins and continue for the first year or two of school desegregation.[67] Dependent mostly on the telephone, these centers have been effective tools for keeping the community informed and providing a readily accessible line of communication. Parents have been able to learn about curriculum changes, school hours, and bus routes and to clarify rumors. School administrators often use community volunteers, especially parents, to staff the centers. Private citizens have proved to be highly credible in relaying first-hand information to other citizens.[68]

In Tampa, rumors were investigated by human relations counselors in the schools and the results were reported back to callers.[69] Charles Vacher, former supervisor of the Tampa rumor control center, emphasized its importance:

> I think personally...that a desegregation process couldn't occur without it. You just have to sit and answer call after call from the concerned people....I feel certain that it was a wonderful asset to Hillsborough County at that time.[70]

Mr. Vacher said that the center received 200 to 300 telephone calls a day from the preregistration period through the first few weeks of school.[71]

A similar center operated during the early stages of desegregation in Berkeley, California:

> ...[The] rumor clinic was to function for the community, to trace down every rumor that had to do with fears of desegregation....[T]his rumor clinic was a catalyst to sort out the fears that had been openly expressed at many of the hearings that we had prior to adoption of the plan.[72]

In Boston, a black community organization, Freedom House Institute on Schools and Education, was "instrumental in setting up a [neighborhood] Rumor Control and Information Center, which was directly hooked into the Boston School

Department and also to the Information Center located in City Hall."[73] Staffed by volunteers from various community agencies, the center was established becuse of rumors of violence and hostile receptions of black children at their "new" schools.[74]

Local School Activities

In addition to communitywide preparations, some school districts have provided parents with opportunities to become familiar with specific aspects of desegregation.[75] Parents were able to visit their child's "new" school,[76] experience a bus ride,[77] meet parents of transferring students,[78] and meet school personnel.[79] Other activities have included ice cream socials, picnics, coffee klatches, door-to-door home visits, and sensitivity sessions. Community organizations often give support and assistance to these endeavors.

In Springfield, Massachusetts, the Bi-Racial Quality Integrated Education Committee helped with orientation programs at the "sending" and "receiving" schools. These programs generally consisted of building tours, explanation of curriculum, and discussion of parental concerns and questions.[80] In Louisville individual schools held orientation nights. Teachers were present to talk to parents and students about the curriculum and to allay fears and anxieties.[81] Nancy Jordan, a Denver parent, stressed the importance of this type of parent orientation: "For any other school district that plans to desegregate, I think this is absolutely crucial to get the parents together with the people who are going to be dealing with their children."[82]

Some school districts have responded to anxieties about desegregation by integrating parents into school operations. In Charlotte, North Carolina, the parent teacher association obtained Federal funds to hire a coordinator who solicited assistance from parents in tutorial positions.[83] By working in the schools, parents were able to see first hand that school desegregation was proceeding smoothly and their children were safe.[84] Parent volunteers in many school districts have continued to provide assistance during the school year in various paraprofessional and volunteer positions.[85]

A Boston parent, Jane Margulis, commented at the Commission hearing:

> ...I was born and brought up in Boston, but had very little to do with black people all my life; had always gone to segregated schools. And it was very frightening for me to think that I would be putting them on a bus and [sending them] to the black community which I knew nothing about....
>
> Well, I thought I had to make myself comfortable in order to make them feel comfortable about the change. The first thing I did was start working in my middle daughter's school....[86]

Although Boston's central school administration did not provide leadership to prepare the community or parents for school desegregation, some individual school principals did involve their communities. They were able to win parents' acceptance and achieve integration in a way that made a significant contribution to the educational growth and development of their students.[87]

Leadership from Community Organizations

Although data collected by the Commission suggest that in most instances school superintendents and their staffs provided the strongest leadership in preparing communities for school desegregation, community organizations have also played positive roles in many school districts.[88] The Memphis Chamber of Commerce was instrumental in forming an organization, Involved Memphis Parents Assisting Children and Teachers (IMPACT), which sponsored a telephone rumor control system, newspaper and television advertisements supporting school desegregation, a speakers bureau, neighborhood meetings, and factsheets explaining the desegregation plan.[89] In Denver, two organizations, People Let's Unite for Schools (PLUS) and the Community Education Council (CEC), engaged in a variety of activities to involve and inform the community.[90] PLUS, a coalition of more than 40 organizations, operated a rumor control clinic; created a public education task force which developed a pamphlet explaining the court order[91] and the history of the case; established a speaker's bureau staffed by persons knowledgeable about the court order; and provided a forum for communication between parents, students, and teachers of the sending and receiving schools.[92]

Denver's Community Education Council, established by the court, consists of a cross-section of prominent citizens who coordinated the actions of a number of agencies involved in desegregation. The council also provided the community with factual information about the court order and served as a communication channel between the community and the schools. Council members continue to monitor implementation of the order.[93]

Ongoing Involvement

While the high level of communication established between the school and community during the early stages of desegregation tends to decrease after the school desegregation plan is implemented, many school districts continue to sponsor community-school activities throughout the first few years. Parent volunteers in some school districts have become a part of regular school operations, and local community organizations have continued to sponsor human relations activities.[94] Through such programs parental involvement in school districts often increased, bringing the home and the school in closer contact.

William Choker, a Denver parent, commented at the Commission's hearing:

> The level of parent involvement has certainly improved since integration...was implemented. It has tripled or quadrupled...resulting in, I think, a very excellent organization that, in my opinion, has done a tremendous job, not only in the Manual [High School] community, but extending as far as the southwest and southeast sections of the city.[95]

At the Tampa hearing, elementary school principal Dora Reader also spoke of the increase in parent participation:

> ...before integration I had such a hard time getting PTA going and getting parent involvement....
>
> We do have more parent participation than we have ever had. Our teachers don't have to worry about the class parties and all of the field trips and all the other things that parents get involved in....[96]

Some school districts have more formal ongoing vehicles for community involvement which are often created by court orders. In Louisville, a citizens' advisory committee was established by the school administration to provide a forum for expression of problems, concerns, and suggestions pertaining to school desegregation.[97] However, the effectiveness of the committee has been questioned by community leaders because it has no real authority. A hearing witness stated that he felt an "essential ingredient" for such a committee was a "formal charge from the Federal court" with specific responsibilities.[98] In Denver, as previously mentioned, the court-created Community Education Council is responsible for continuous monitoring of the school desegregation process. This results in regular observation of the school environment by community volunteers.[99] The Bi-Racial Advisory Committee to the Hillsborough County School Board also provides a line of communication between the community and the school board.[100] Although the responsibilities of these court-mandated committees often have needed clarification,[101] they have provided the "community" with an effective means of communication and helped maintain community involvement in the ongoing school desegregation process.

With planning and ingenuity, school administrators have engendered community support and acceptance of school desegregation and brought the community, home, and school in closer contact.

RESTRUCTURING OF SCHOOL DISTRICTS

An essential part of desegregation is the restructuring of school districts, including changes in school attendance zones and grade levels. This restructuring is accomplished in a number of ways which include establishing satellite attendance areas, pairing and clustering, grade-locking, establishing magnet schools, building new schools, and closing schools.[102]

Restructuring often requires additional busing of students, but the increase is substantially less than is popularly believed. Nationally, slightly more than 50 percent of all school children are bused to school, and of this percentage less than 7 percent are bused for the purpose of school desegregation.[103] In fact, of the total number of children attending public school, only 3.6 percent are bused for school desegregation purposes. During the 1973-74 school year, $57 billion was spent for public education, and $1.858 billion of that total was spent for student transportation. Only $129 million of these transportation funds were used to achieve desegregation.[104]

Indeed, busing is not a new phenomenon in American education. As early as 1869, the State of Massachusetts enacted the first pupil transportation law.[105] Today 48 States provide student transportation, and 15 States provide it to private schools at public expense.[106] The use of pupil transportation was predicated upon providing educational opportunities not available at the neighborhood school, combined with a concern for safety.[107] While modern opponents of busing often cite safety as an argument against it, the data show that "students walking to school are three times more likely to be involved in an accident than those going to school by bus."[108]

On the average, 30 percent of the students in desegregated school districts, surveyed in the Commission's national study, were reassigned at the time of school desegregation. However, the average percentage of minority students bused increased from 46.98 percent to 55.98 percent. The average percentage of majority students bused increased from 50.13 percent to 53.28 percent, or about 3 percent.[109]

Analysis of the 29 case studies reveals that the number of students bused increased in 25, decreased in 1, and remained the same in 3. Furthermore, in 9 of the 25 districts, the increase was less than 12 percent and in none was the increase over 50 percent.[110] The burden of busing in 21 of the districts is disproportionately borne by minority students, in 3 by majority students, and in 5 is evenly balanced.[111] In addition, the percentage of the budget spent on busing increased less than 2 percent in the majority of the school districts and decreased in two.[112]

In Minneapolis, Minnesota, the school desegregation plan--which included wider attendance zones, clustering and pairing, and a pilot program of learning centers similar to magnet schools--kept busing to a minimum and balanced the proportion bused between minority and majority students.[113] The average bus ride before and after school desegregation was less than 20 minutes.[114] Roughly half of the district's 54,000 pupils are bused and of these 27,000, 11,000 are bused for desegregation purposes.[115] School desegregation in Ossining, New York, was accomplished by rezoning attendance areas and closing an elementary school in deteriorated condition.[116] The average bus ride remained approximately 30 minutes and only an additional 6.6 percent of the students are bused.[117] There was an increase of only 1 percent of students bused in Erie, Pennsylvania, and the percentage of the budget used for busing remained the same, 2.3 percent.[118] The desegregation plan included closing three old school buildings, pairing, and rezoning attendance lines.[119] Similarly, in Ogden, Utah, school desegregation did not increase the number of students bused (less than 1 percent), or the percentage of the budget spent on busing (less than 1 percent).[120] The voluntary desegregation plan included consolidating five elementary schools into two new facilities and redrawing boundary lines for both elementary and junior high schools.[121]

In Hillsborough County, Florida, after numerous desegregation plans were used which included selective pairing and open enrollment, the school board adopted a plan which encompassed satellite attendance zones, clustering, and grade-locking.[122] Sixth and seventh grade centers were established in the formerly black schools, and white students at those grade levels are bused during the 2 years.[123] Black students are bused to formerly white schools for grades 1 through 5 and 8 through 12.[124] As a result of this desegregation plan, 125 new buses were purchased and the State provided approximately 60 percent of the operating budget for transportation.[125] Of 52,785 students transported the year following implementation of the plan, 38 percent were bused for school desegregation purposes.[126] A parent at the Tampa hearing responded to a question about her child being bused to school each day:

> I have no serious objection to it, personally. It has not caused a hardship in our family. Perhaps I would feel differently about it if what he got at the end of the line was not so good. But he does get a good deal at the end of the line.[127]

In most school districts, desegregation plans are developed for the purpose of providing equal educational opportunity for all students. Restructuring of schools and the busing involved are merely means to that end. It is not the busing, it is the education at the end of the ride that is important.

DESEGREGATED SCHOOLS AND QUALITY OF EDUCATION

Desegregation is the means through which children of all races and ethnic backgrounds are provided equal educational opportunity. Only in learning together as equals, sharing knowledge and experiences, can children hope to develop the cultural values which will prepare them to be fully contributing members of society. At the Commission's hearing in Louisville, a student explained:

"[Desegregation] let us come together...to learn about things we would have to deal with in society....A person's feelings are not in the textbook."[128]

The Supreme Court of the United States in the Brown decision addressed the intangible qualities that only desegregated schooling provides. Although Brown did not require improvements in curricular offerings, information available to the Commission indicates that many desegregating school districts in seeking to provide equal educational opportunity often simultaneously reevaluate their educational programs and services and as a result improve them. The superintendent of schools in Williamsburg County, South Carolina, explained:

> It would have been a mistake to have desegregated the schools without making other basic changes in the educational programs at the same time. We could see that many changes needed to take place....It was a most opportune time to make changes. Desegregation was unavoidable; the law had to be complied with. We complied--and at the same time we turned our attention to...the individual child.[129]

The following section examines the changes in educational programs and services made by desegregated school districts. These include curriculum (multicultural and bilingual education, special programs, and magnet schools), preparation of the staff, and school facilities and supplies.

The Quality of Curriculum

Faced with the need to provide instruction to students of a variety of backgrounds, interests, and skills, many desegregated schools have begun to make the curriculum more responsive to a broad range of academic and emotional needs. The Commission heard testimony that teachers have become more sensitive to the kind of instruction that ensures student interest and academic success,[130] that teachers' expectations of minority students tend to increase,[131] that the academic performance of minority students generally improves, and that students are often more motivated and thus attend school more regularly.[132]

Educational research is inconclusive as to the effects of desegregation on achievement test scores of minority and majority students.[133] Research suggests, however, that improved achievement scores are more a function of the educational process than a function of the racial composition of the school.[134] The experience of Williamsburg, South Carolina, is an excellent example. The school system, with a majority black and low-income student enrollment, has dramatically improved achievement scores, reduced dropout rates, and increased the percentage of students seeking higher education after desegregation when changes were made in every area affecting the curriculum. The school system introduced an ungraded, individualized, sequential plan for the development of basic skills; added courses in black history and literature; maintained the number of minority teachers at a level proportionate to minority student enrollment; provided staff training in human relations; and took steps to ensure that disciplinary treatment is administered equitably.[135]

The Berkeley Unified School District provides another example. Achievement scores of both majority and minority students improved after desegregation. The director of research and evaluation attributed this to desegregation and the ensuing improvements in educational services and programs.[136]

A curriculum that reflects various cultural and racial backgrounds is essential to desegregated education. A school board member in Minneapolis stated:

> ...desegregation has a great effect on the quality of education. Because I think we are opening doors to our children today...speaking about my culture and background [which] they never knew about...they [learn] about all cultures...all major contributions...that one race or one individual nationality is not superior or inferior to another...[137]

A school administrator in Berkeley agreed:

> ...the intent is to prepare youngsters to be effective members of society, and one of the kinds of skills that they can acquire in a desegregated system is a knowledge and an awareness of the differences that exist among youngsters and hopefully gain a respect for those differences and acceptance of them....[138]

Many school districts have added ethnic studies and multicultural courses to the curriculum[139] and have begun using textbooks which reflect the contributions of all groups. For example, a teacher in Minneapolis stated, "I think...we have made a great amount of effort to make our material multiethnic and nonsexist."[140] Furthermore, teachers on their own initiative have incorporated the cultures and histories of different racial and ethnic groups into their classroom presentations.[141]

Part of this general trend towards multicultural education is the increased use of bilingual-bicultural education, an indication that school districts are becoming more responsive to the needs of language-minority children. Boston offers programs for a variety of different language groups,[142] Tampa for Spanish-speaking students,[143] and Louisville for Vietnamese-speaking students.[144] Denver, which has a large Mexican American student population, instituted bilingual-bicultural programs in 7 schools the first year of desegregation and extended them to 15 schools the following year.[145]

Although these programs have not necessarily been instituted as a part of the desegregation process, they are recognized by educators as prerequisite to providing equal educational opportunity for language-minority children.[146]

A school board member in Berkeley explained:

> I think that every school district in the country [with] non-English-speaking students has to establish some sort of bilingual program that will allow those students not to fall behind simply because of the lack of mastery of the language.... Simply desegregating wasn't enough, [the Chicano students] needed an opportunity in a bilingual-bicultural setting, not only allowing [them]...to appreciate and accept their culture and their way of life, but allowing others to...gain a respect for that kind of situation....[147]

Bilingual-bicultural programs typically include both language-minority and English-speaking children. Language-minority children are given a real opportunity to learn since they are taught basic subject matter in the language they know best, and at the same time they acquire proficiency in English as a second language. Native English-speaking children in these programs are given an opportunity to learn another language and experience a different culture.[148]

Many desegregated schools offer students a wider choice of studies than was offered in segregated schools. School administrators attempt to ensure that courses offered in a student's former school are offered in the new school.[149] For example, in Tampa majority-black schools offered black history. Since desegregation, black history has been made available in all schools, to white as well as black students.[150] In Denver, instead of duplicating advanced academic and vocational courses that were offered in two high schools, East and Manual, a complex was formed. Although each school now has desegregated student bodies, students are encouraged to take courses in both schools.[151]

As a result of desegregation, school districts have implemented a variety of programs designed to improve basic skills such as reading and mathematics. These programs have benefitted both minority and majority children achieving below their potential. Many desegregated school districts have also attempted to identify gifted students and provide programs that fully develop their talents and abilities. The availability of Federal money under the Emergency School Aid Act, established to provide financial assistance for special needs incident to the elimination of minority segregation,[152] has provided the impetus for many of these programs.

In planning for desegregation, the Prince George's County, Maryland, School District received Federal aid under ESAA to improve reading achievement and to identify gifted students from minority groups.[153] The school district provided a reading supervisor and staff of reading teachers for different geographical areas, and 20 "floating faculty" members were assigned to work with 20 elementary schools. A student tutorial service was expanded to include 20 junior high schools, 1,620 student tutors, and 4,860 children. Workshops were conducted over the summer to prepare reading teachers for elementary and secondary schools.[154]

Even where Federal funds are lacking, many individual schools in the process of desegregation have developed programs on their own initiative to help children achieving below their potential. The vice principal of Merrill Junior High School in Denver described their efforts:

> ...about 25 teachers came and received credit for [remedial reading training]....We...started a core program for children who are not special education youngsters but have great problems with reading, with academics, with self-image....Our very top teachers volunteered to teach...these youngsters....This has helped a great deal.[155]

Magnet schools, which offer specialized curricula and teaching, are often used to attract students to desegregated schools.[156] School districts use magnet schools as testing grounds for innovative curricula and as a means for providing students alternative programs in truly integrated settings. These schools typically require specific racial percentages which may parallel racial composition districtwide or reflect equal distribution for each racial and ethnic group.

When an open enrollment policy in Louisville, Kentucky, was failing to desegregate schools, the Brown School, a magnet school which stipulated a 50 percent black and white enrollment, had long waiting lists.[157] The school offers a progressive curriculum and attracts white and black parents who want their children to experience learning in an open classroom and integrated environment.[158] Since the merger of the Jefferson County and Louisville school systems, two additional "alternative" magnet schools have been developed which also require 50 percent black and 50 percent white enrollment. Scheduled to open in the fall of 1976 and known as traditional schools because of the content and approach of the curriculum offered, they already have waiting lists.[159]

In Boston, Phase II of the desegregation order called for the creation of 22 magnet schools offering specialized and distinctive programs.[160] Institutions of higher learning, the business community, labor organizations, and creative arts groups have committed themselves to assist with the development of curricula for the magnet schools as well as other schools in the district. Businesses have been paired with specific schools to provide a more practical business orientation to academic programs, and labor organizations have begun developing occupational, vocational, technical, and trade programs.[161] The effectiveness of this liaison is yet to be determined since Phase II only began in the fall of 1975. However, the roles have been defined and program development is underway.[162]

The Tulsa, Oklahoma, school district reported that the greatest effect of desegregation was improvement of the curriculum.[163] The district established two magnet schools offering innovative curricula. Washington High School offers a variety of courses including: repertory theater, stage show ensemble, mass media, TV and film direction, business law, speed reading, Chinese I and II, building construction, elementary probability and statistics, music composition, electronics, and archaeology.[164] The curriculum at Carver Middle School is organized around courses in communication skills, mathematics, science, humanities, and exploratory activities. The school makes extensive use of community resources and conducts numerous field trips. In addition, the school day for students is divided into four periods of about 90 minutes duration to facilitate student-teacher interaction.[165]

Although magnet schools may provide broad educational opportunities for students, some education authorities have criticized their use as an "escape route for whites assigned to predominantly black schools." They have also been described as "a new type of dual structure with unequal educational opportunities" which drain resources from other schools in the system.[166] Magnet schools have a particularly deleterious effect when they are used as the only device for reassigning students in a desegregating district.

Preparation of the Staff

Desegregating school districts usually provide human relations training to ensure a positive learning environment and to help teachers understand children of different racial and ethnic backgrounds and socioeconomic levels. Of the 29 case study districts, 23 have provided inservice human relations training.[167] Such training involves identifying cultural differences among groups, preparing multicultural materials, and teaching methodology.

The Minneapolis school system provided human relations training for teachers to increase their effectiveness in educating children of different racial and ethnic backgrounds. A citywide network of faculty representatives from each school provided this training weekly during an early release period. Schools held all-day communications laboratories and the administration appointed two faculty members to obtain staff reactions to the desegregation plan. In addition, the administration held a series of workshops on institutional racism. Five years after desegregation, the school district continues to provide human relations training and racism workshops.[168]

The Berkeley school district launched a predesegregation and postdesegregation series of workshops and seminars to familiarize teachers and students with all elements of desegregation and to allow discussion of fears or problems. The school administration also required teachers to take a series of courses in human relations and multicultural education, for which they received credits towards eventual pay raises.[169]

In Denver the desegregation plan required 5 hours of inservice training per semester for every teacher. In response to subsequent complaints that training was ineffective and not all teachers attended, the court ordered that an accountability system be developed. Teachers are now required to report their views on effectiveness of the training.[170]

Human relations training provided in Louisville was based on "the ripple effect," meaning that a certain number of teachers from each school attended a training institute and returned to their individual schools to train other teachers.[171] For the most part it was ineffective. Some school administrators said that it was not effective because it was designed with the expectation that the school district had one full school year to prepare teachers before desegregation[172] A second reason for its lack of effectiveness was that it received minimal support and commitment from the central administration.[173] However, the few schools that were committed to the concept of human relations training held successful training workshops.[174]

To implement broad changes in the curriculum successfully in a desegregated setting often requires new teaching techniques. As a direct result of desegregation, 18 of the 29 districts reviewed by the Commission developed and implemented new teaching methods to make the curriculum more responsive.[175] Many school districts attempted to individualize instruction by adding aides and other resource teachers and creating open classrooms to permit smaller groupings of students.

The principal of Crosby Middle School in Jefferson County, Kentucky, described instructional improvements made at his school:

> ...One part of our instructional program is...individualized instruction, which means that students work at their own pace. It means that each student can succeed at the level the student has achieved....By using instructional packets, by subgrouping, we can facilitate...learning...for students who have different motivations.[176]

In Hillsborough County, Florida, one-grade schools were created for the sixth and seventh grades in which 120 students are heterogeneously grouped with one team leader and four teachers assigned to instruct all of them. At different times of the day, the students are divided into smaller groups for individualized instruction.[177]

After desegregation in Kalamazoo, Michigan, the concern for effective teaching brought about the development of a districtwide teacher accountability system. Extensive test data and other information on students are given to teachers in the form of student profiles so they can better tailor their instruction to the individual needs of students and at the same time be held accountable for the process.[178]

In general desegregation has a renewing effect on teachers. At Commission hearings and open meetings many teachers testified that desegregation has caused them to reevaluate their methods, techniques, and attitudes and develop new ways to communicate with children. One teacher said:

> We have, because of desegregation, thrown out...some of the practices that were detrimental to education...we have put in place of those, educational practices that are more beneficial for all students.[179]

School Facilities and Supplies

One of the most tangible and obvious effects of desegregation on the quality of education is the general upgrading of school buildings and facilities and the provision of adequate supplies. Information available to the Commission indicates that the reassignment of white students to previously minority schools has caused school administrators to correct the inadequate maintainance of buildings and grounds of minority schools that existed for years. Moreover, they have corrected the shortage of educational supplies, textbooks, and classroom furniture which generally existed in minority schools.

In Denver a black member of a school board advisory group testified that the school administration had different standards for minority and majority schools prior to desegregation. In addition to being older, black schools were inferior and unsafe. Ventilation was poor, roofs leaked, radiators were uncovered, bathroom facilities were limited, and gymnasiums often had cement floors. The schools were not provided air conditioning as most white schools were, and they were given mobile classrooms when the school became overcrowded. Predominantly black schools were generally short of textbooks, supplies, athletic equipment, and classroom furniture.[180]

In speaking about the inequality of supplies and textbooks between majority-black and majority-white schools, a black student at the Tampa hearing testified: "The books had no backs, half the pages were gone...and you had to share one book [with] three people."[181]

P. R. Wharton, assistant superintendent for administration, acknowledged that improvements had been made to a former minority school:

> I can think of one school where there was quite a bit to do about maintenance...I think it was run down. It was an elementary school, Carver School, and we went in there and did a great deal of maintenance prior to integrating that school, the summer prior to integration.[182]

The black principal of Manual High School, a previously all-black school in Denver, testified that before desegregation the school administration had generally ignored requests for supplies and improvements in facilities.[183] A parent of a Manual High School student testified:

> There have been drastic changes in the school since the implementation of the court order.... Manual began to...approach the equipment available in the other high schools....My youngest son, who graduated in '75, had been Manual's athletic trainer for 3 years. He continually complained to me about the lack of basic equipment....The equipment was below standard. The first time that Manual's tennis team had uniforms was when the kids from Washington and East and South [schools] came over and all of a sudden monies became available to provide equal equipment for black, white, Chicano students attending Manual, on a par with what the other schools had previously been used to.[184]

Similarly, in Berkeley a black parent testified that they had fought for years for remodeling of the cafeteria and lighting in the basement of the black school in her neighborhood, but they were ignored until the schools desegregated.[185]

MINORITY STAFF

Adequate minority representation on the school staff is critical to integrated education. Just as student exposure to students of other races and ethnic groups helps develop racial understanding, tolerance, and appreciation, so also does the presence of a multiracial and multiethnic staff.

Minorities in positions of responsibility help dispel myths of racial inferiority and incompetence, provide positive role models for all students, help ease the adjustment of minority students and their parents as well as majority teachers, and help provide a multicultural curriculum.

Stereotypic ideas may be held by white and black students and staff. Day-to-day interaction with minorities as co-workers or as teachers and administrators can help eradicate such misconceptions. This point was stressed by Mogul Du Pree, an elementary school teacher in Tampa, who said: "I think that one of the things that has happened as a result of desegregation...[is that] the stereotyped idea that Negro teachers [are] inferior is rapidly disappearing."[166]

A Tampa school administrator said that some white parents request that their children be assigned to black teachers because they feel it is a vital educational opportunity.[187] A mother described her daughter's experience in this area:

> My child's favorite teacher in high school was her black Spanish teacher, and without desegregation, she never would have had this experience. I think it was a very rewarding experience for my child.[188]

Minority presence at all administrative and staff levels is necessary to reinforce positive images for both minority and majority students.[189] A community leader in Stamford stressed the need for minority staff:

> One other area that is constantly highlighted is the low minority representation throughout the school board's staff, especially the lack of black and Hispanic personnel. It is well known that students need to have that type imagery available....[190]

This point was also made by a principal at the Berkeley open meeting who said, "Oh, the kids definitely need role models. They need to have minority people, the majority kids need to have them, too."[191]

Moreover, the use of minority teachers in bilingual-bicultural education programs contributes to a child's self-concept through a positive reinforcement of his or her background and culture.[192] Self-concept is affected by interaction with teachers, and language-minority teachers are sometimes best able to communicate the encouragement and understanding needed by language-minority children.[193]

Additionally, minority staff can help ease the adjustment of minority students to school desegregation. In many instances, minority students are transferred from a school where they were the majority to a school where they are in the minority. In these instances, they are often reassured by the presence of minority staff members who are sensitive to their needs. A witness at the Boston hearing addressed this issue, saying, "Youngsters began to say that we don't feel comfortable unless we see some of ours there."[194]

A student, asked if there should be more minority teachers in his school, responded:

> Definitely so. Because black and Puerto Rican students feel that they can relate to somebody who is either black or Puerto Rican...because the majority of the teachers in the school are white....They don't know what it's like, you know, to be living in a certain neighborhood.[195]

A study of school desegregation in Goldsboro, North Carolina, found that "black students were more likely to participate on a par with white students in open classrooms in desegregated schools where the teaching staff was balanced in leadership and competence between black and white teachers."[196]

The presence of minorities on the staff can help minority parents to become involved in school activities.

Accustomed to relating to minority teachers at a segregated school, minority parents may find the desegregated environment threatening. This may be especially true for parents with limited proficiency in English. Carmen Castro, executive director of the Spanish International Center of Stamford, said:

> Parents [Hispanic] have no way of communicating to principals or teachers in other schools because they do not have interpreters. [There was the]...problem of the child having to interpret for the parent and interpret for the teacher, so that heaven knew what went on. The parent would never know what was going on.[197]

A teacher in Berkeley described how teachers of different races can gain understanding by sharing problems:

> [W]e [teachers] had meetings at least once a week where we sat around and tried to deal with each other and...work out problems that we were having...dealing with a multiethnic culture,...[I]t was helpful to everyone....[198]

As part of the desegregation process, many school districts introduce multicultural classes to the curriculum. Because most textbooks fail to treat the culture and historical contributions of minorities effectively, minority staff members are often the best source for knowledge in this area. Moreover, their presence gives credence to the school's effort to recognize and appreciate the contribution of all ethnic and racial groups. The contributions of black Americans to science and medicine may be taken more seriously if the nurse and the science department chairperson are black. Similarly, the role of Hispanos in American history may be more authentic to a student hearing it for the first time when Hispanos are in positions of responsibility. According to a recent study:

> Desegregation exposes minority pupils to cultural marginality and confusion as to their own identity, unless the staff is interracial, unless the curriculum recognizes the minority group culture, and unless there is opportunity for choice between assimilation and pluralism.[199]

The School Desegregation Experience

What happens to minority staff representation when school districts desegregate? Although no comprehensive statistics are available, analysis of the 29 case studies reveals that in 16 of the school districts, minority employment increased following school desegregation. In eight other school districts, minority employment remained the same, and a decrease was reported in two.

In some school districts increases have been reported solely for the teaching force; others have shown gains in administrative positions. For example, prior to desegregation in Providence, there were no black principals, assistant principals, or central administrative staff.[200] By 1975 there were three black principals and five blacks on the central administrative staff. Blacks in Memphis were successful in securing an act of legislature that restructured the school board to ensure the election of blacks.[201] By 1973 three blacks served on the nine-member board.[202]

In many instances an effective impetus for change was a court mandate. Some court orders have dealt only with the reassignment of teachers and called for minority teachers to be equally dispersed throughout the system; others have mandated specific ratios; i.e. the ratio of minority personnel should reflect the ratio of the city population or the minority student population.

Only a few school districts have actively pursued affirmative hiring practices on a voluntary basis. Minority staff representation was addressed by the court orders in Boston, Denver, Tampa (Hillsborough County schools), and Louisville. In Tampa and Denver affirmative action plans have been in existence long enough to produce positive results.

In many northern school districts there is underrepresentation of minorities in staff positions. With the advent of school desegregation, discriminatory hiring practices were often exposed and in some districts were directly addressed as part of the court order. The 1974 court order in Denver required the school administration to formulate an affirmative action plan to recruit and hire Hispanos and blacks.[203] As early as 1970 black and Hispanic organizations had pointed out the need for black and Hispanic personnel.[204] However, very little was accomplished in this area until the court mandate.

The judge subsequently indicated that the goal of the plan should be to increase minority personnel hiring until the ratio mirrored that of Chicano and black students.

In 1975 the student population in Denver was 17.8 percent black and 24.1 percent Hispanic; the teaching force in 1975 was 10.6 percent black and 4.8 percent Hispanic. In compliance with the order, the Denver school system adopted an affirmative action plan in March 1975 which includes recruitment, employee development programs, and career counseling, and provides job advancement provisions at all staff levels. As of February 1976, blacks constituted 10.7 percent and Hispanics 6.1 percent of all teachers. In 1974 blacks accounted for 8.0 percent of all administrative personnel, and by 1976 their percentage had increased to 9.8 percent. Corresponding percentages for Hispanos were 4.7 and 6.1, respectively.[205]

In Boston inadequate representation of minorities on the school staff was also addressed directly by the court order.[206] While the student population during the 1972-73 school year was approximately 33 percent black, only 5.4 percent of the permanent teachers, 3.9 percent of the principals and headmasters, and 5.7 percent of the assistant principals and assistant headmasters were black.[207] The court required placement of black teachers in schools in accordance with the districtwide proportion of black teachers at that level of instruction. In addition, of 280 new permanent teachers, blacks and whites were to be hired on a one-to-one ratio until every qualified black applicant had been offered employment.[208] Three black recruiters were hired by the school committee to assist in this employment effort.[209]

A few school districts have instituted affirmative action programs voluntarily. As part of the desegregation process in Berkeley in 1968, the school administration adopted an affirmative action policy to "work as fast as possible to bring the number of minority teachers more in line with the number of minority students in the school district."[210] A former school board member described the recruitment efforts:

> ...[W]e instructed him [personnel director] to go out and search for minority teachers all across the country....[H]e went on tour throughout the U.S. to try to find qualified teachers and workers in the clerical area who could be brought to Berkeley and interviewed for jobs because we felt we had to be aggressive about this.[211]

The Berkeley recruitment drive concentrated on predominantly black universities and colleges. Community and staff task forces served in an advisory capacity. Although the school system has not reached its goal, progress has been made. In 1968 blacks constituted 17 percent of the faculty, Asian Americans 4 percent, and Hispanos 2 percent; in 1975 the percentages had increased to 27 percent, 7 percent, and 4 percent, respectively. The system hired a black superintendent in 1974 and two of its three assistant superintendents are black. The student population in 1968 and in 1975 was approximately 45 percent black, 7 percent Asian American, and 3 percent Hispanic.[212] The Berkeley school system in the spring of 1976 was in the paradoxical situation of anticipating a layoff of approximately 120 teachers and because of a seniority stipulation, it was anticipated that 80 percent would be minority.

Under the segregated school system in the South, blacks were hired to staff and administer black schools at all levels.[213] However, as school systems were desegregated in the late 1960s, the number of black staff members decreased drastically. Black principals and department heads, as well as faculty members, were often demoted or fired.

In many instances, it was obvious discrimination since they were not given an opportunity to compete for the positions regardless of experience or education.[214] Other school districts, while using subtler forms of displacement, produced similar results--black teachers were often placed in classrooms out of their fields and then fired for incompetence; reassigned as co-teachers with domineering whites or as floating teachers without their own classrooms; or assigned to nonprofessional positions such as hall monitors.[215] Between 1954 and 1970 while the black student population in 17 Southern and Border States increased from 23 percent to 25 percent, the black teacher force decreased from 21 percent to 19 percent.[216]

In 1970 the Fifth Circuit Court of Appeals responded to the discriminatory treatment of minority educators in a consolidated opinion covering 11 southern school districts. In *Singleton* v. *Jackson Municipal Separate School District* the court stated that:

> Staff members who work directly with children and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to race, color or national origin.
>
> ...[T]he district shall assign the staff...so that the ratio of Negro to white teachers in each school and the ratio of other staff in each, are substantially the same as each such ratio is to

> the teachers and other staff, respectively in the entire school system.[217]

Increasingly, court orders contain stipulations covering the employment and assignment of minority staff and often mandate specific minority staff ratios.

In Hillsborough County, the 1969 court order,[218] in addition to requiring faculty desegregation, mandated that faculty composition mirror the districtwide, black-white student ratio, which was approximately 18 percent black, 82 percent white. At that time black teachers constituted approximately 15 percent of the faculty.[219] In an effort to comply with the court order, the school administration launched a 4-year recruitment drive covering more than 20 predominantly black colleges and universities in 8 Southern States.[220] As a result of this drive, the number of black faculty members increased each succeeding year, from 732 in the 1969-70 school year to 915 in the fall of 1975.[221] While this is an increase of only one percentage point, it is a step in a positive direction, especially when contrasted with occurrences in other southern school districts. (For example, in Escambia County, Florida, between 1967 and 1970, 86 black teachers lost their jobs.)[222] Hillsborough County also recorded an increase in administrative positions. In 1969, blacks occupied 40 of 308 positions (13 percent), and in the fall of 1975, they held 60 of the 358 administrative positions (20 percent). Moreover, black teachers and administrators who leave the system are replaced with blacks.[223]

The Hillsborough County administration, as a result of Federal pressure, also plans to equalize employment opportunities for women.[224] Although women constitute 73 percent of the faculty, they hold none of the top administrative positions.[225] Additionally, of the 37 secondary principalships, only 3 are held by women.[226]

CLASSROOM DESEGREGATION

The constitutional and educational grounds for eliminating racially identifiable schools apply equally to classrooms. However, in desegregated school districts throughout the Nation, classes often are composed of students of one racial or ethnic group or vary considerably from the racial composition of the school. In the South, for example, statistics compiled by the Southern Regional Council show that two of every three school districts have one or more schools with racially identifiable classrooms. These districts include school systems in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.[227] A study in 1973 reported that of 467 southern school districts, 35 percent of the high schools and 60 percent of the elementary schools had segregated classrooms.[228]

Ability Grouping

The most common cause of classroom segregation is the educational practice of ability grouping. With the exception of Mississippi, 7 out of 10 school districts surveyed (in the 7 States mentioned above) that have racially identifiable classrooms use ability grouping.[229]

In schools in Southwestern States where Mexican American students are less than 25 percent of the enrollment, they constitute 35 percent of the low ability group and 8 percent of the high ability group classes. In schools 25 to 50 percent Mexican American, they constitute 57 percent of the low group and 19 percent of the high group. In schools more than 50 percent Mexican American, more than three of every four students in the low groups are Mexican American, and only two of every five are Mexican American in the high groups.[230]

Research for the most part does not support ability grouping. While it is argued that grouping students according to their achievement levels ensures that academic needs are met, research findings are almost uniformly unfavorable with regard to its use in promoting scholastic achievement in low ability groups and are inconclusive in its use for high ability groups.[231]

Rather than providing an environment for meeting a variety of needs of individual students in each group, ability grouping assumes that students are equal in terms of needs and capabilities. Furthermore, teachers of low ability groups frequently are unprepared to teach these classes and generally have low expectations of their students. Course content may be watered down and stimulation from more academically prepared students is nonexistent.[232] A study by the National Education Association indicates that less than 5 percent of teachers at the elementary level and less than 2 percent at the secondary level want to teach low ability groups.[233] Students are thus denied the opportunity of academic challenge from both teachers and peers.

A Stamford teacher told the Commission, "Better teachers are rewarded the higher groups."[234] A student reported:

> Your teachers in the lower group[s]...they are put there just to make sure you don't do anything in class. You sit for a couple of hours and that's it....The teachers in the lower class don't show any kind of interest.[235]

Students placed in low ability groups rarely perceive themselves as equal to nor are they considered equal by students in higher groups. This grouping tends to deflate the self-esteem of students in low groups and inflate the ego of those in high groups.[236] A student in Stamford explained:

> Well, the majority of the black students...when they realize...why all the blacks are in this class and...all the whites in that class.... Basically, it makes them feel like they are lower. And then that builds...to be a hatred of white people in general....[237]

The courts have been fairly consistent in holding that pupil assignment by standardized achievement or IQ test scores is unconstitutional when the intended and actual result is the perpetuation of the dual system, whether segregation exists within the system as a whole,[238] within individual schools,[239] or within individual classrooms.[240]

In some districts school boards or school administrators have explicit policies prohibiting classes of any one race. The administration of Hillsborough County Public Schools sent directives to teachers and administrators stating that no one class should be more than 50 percent black.[241] At the Denver hearing, an associate superintendent testified that schools were directed to ensure that "classes not be allowed to be reorganized on a segregated basis," and that schools were looking for "alternative ways of grouping youngsters and organizing classes and arranging for arrays of courses so that youngsters would not have to discontinue sequences they had already begun, but at the same time would not get involved in a tracking arrangement...that results in resegregation."[242] The Dorchester, Maryland, school district, in addition to eliminating tracking in the upper grade levels, screened all classes to avoid all-black or all-white classes.[243]

Some schools have abolished ability grouping in certain subjects. In Denver, for example, the principal of Smiley Junior High School said that teachers had discussed the problem of ability grouping and decided to abolish it first in social studies. Ability grouping for other subjects had been discussed, but no consensus was reached.[244]

Ability grouping traps those students in the low ability groups; they are rarely ever assigned to any other group.[245] Furthermore, some students are not only assigned a low ability group in one subject but "tracked" in the same level in all subjects regardless of strength or weakness. Ability grouping and tracking foreclose a student's chance for ever excelling.

Many schools replace ability grouping with new teaching approaches such as individualized instruction and team teaching, facilitated by the creation of open classrooms or learning centers. In open classrooms racial percentages are often stipulated. In the sixth and seventh grade centers of the Hillsborough County Public Schools, Florida, the minority percentage of each group was stipulated at 20 percent.[246]

Thus, although most data indicate that classroom segregation is a serious problem in desegregated districts, schools in the Commission's survey acknowledge the problem and said they are seeking ways to deal with it.

Assignment to "Special Education" Classes

Segregation also occurs in "special education" classes, such as those for children with problematic behavior or with learning disabilities in which minority students are often overrepresented. Minority students are often incorrectly assigned to such classes. IQ test scores, the basis for assignment to classes for the educable mentally retarded (EMR), have been found to be culturally biased and often reflect achievement or a child's ability to take tests rather than intelligence.[247] Moreover, white teachers and school administrators who recommend placement in EMR classes often are poor judges of minority student behavior or ability.[248]

A 1973 study of a California school district found that 91 percent of the black students and 60 percent of the

Mexican American students placed in EMR classes on the basis of IQ tests had been incorrectly assigned.[249] In 1973 in Texas, the Commission found that Mexican American students were twice as likely to be placed in EMR classes as whites; the ratio of black students was 3 1/2 times greater.[250] The Office for Civil Rights of HEW in 1973 cited 14 districts in the Southwest in noncompliance with Title VI on the grounds of overinclusion of Mexican American students in special education classes.[251]

Testimony at the Tampa hearing indicates that black students are overrepresented in classes for the educable mentally handicapped (EMH). The dean of girls of a junior high school explained that although the basis for assignment is low IQ test scores, most of the black students who score low are "disruptive" rather than retarded and, thus, should not be placed in EMH clases. She said they score low because they have a history of absence from school and therefore test poorly.[252]

The Louisville-Jefferson County public school system has two programs for 700 disruptive students. One, called the Alternative School, is a self-contained school for students with "deviate behavior." It is 95 percent black. The other, the youth development program, consists of separate classrooms in 33 schools for students with less serious behavioral problems. Students in this program are 80 percent white.[253] School administrators explain that the alternative school was part of the majority-black Louisville school system and the youth development program was part of the majority-white Jefferson County system prior to merger of the two districts in the fall of 1975. Most students, they said, were assigned prior to merger, but no attempt has been made to reevaluate and reassign students. Furthermore, the difference in criteria in assigning students to either program has not been clearly defined.[254]

In recognition of the discrimination involved, Federal courts have ruled against the use of IQ tests in assigning minority students to EMR classes.[255] In Larry P. v. Riles, the San Francisco Unified School District was restrained from placing black students in EMR classes "on the basis of criteria which place primary reliance on the results of IQ tests as they are currently administered, if the result of use of such criteria is racial imbalance in the composition of such classes."[256] In Diana v. State Board of Education, California,[257] plaintiffs successfully challenged the use of IQ tests in assigning Mexican American children to EMR classes on the grounds that low IQ test scores resulted from their unfamiliarity with the English language.

EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities helps students develop leadership skills, respect for the democratic process, competitiveness, and cooperation. It makes the school experience more meaningful and tends to enhance learning. In desegregated schools participation in extracurricular activities is crucial, since it develops feelings of belonging and a sense of pride in the new school. Furthermore, it contributes to producing a truly integrated school environment by providing students the opportunity to discover common interests and goals.

Participation in extracurricular activities by students of all races does not happen automatically when schools desegregate. School administrators and teachers facilitate participation by establishing policies governing participation, providing transportation, supporting and encouraging students to participate, publicizing events and activities, and by an unwillingness to accept anything but full participation. Since desegregation brings together an entirely new student body, activities, clubs, and sports that reflect the interests of all the students are planned. Many desegregated school districts have made some efforts to ensure the participation of all students, but these efforts usually are limited and generally have fallen short of what is required.

In Prince George's County, Maryland, school coaches were instructed to accept all transferring athletes as team members at the new school. Student government officers, yearbook and newspaper staffs, school band members, and cheerleaders from previous schools were to retain their positions and serve jointly with officers and members at their new schools.[258] Despite this policy, participation in extracurricular activities declined after desegregation because of limited activity buses, failure to duplicate special interest clubs, and lack of parental encouragement to participate in activities.[259]

Although most school districts report that they provide activity buses or bus tokens for public transportation, students testifying at Commission hearings often linked limited participation in extracurricular activities to transportation problems. A student from Brandon High School in Hillsborough County Public Schools said, "Most of [the black students] live too far away to get involved in activit[ies] at Brandon because of lack of transportation."[260] A student at Kennedy High School in Denver explained:

> Usually we have late gymnastics practice and it's hard for me to get home within a certain amount of time so I can still do my homework. That is the big problem at Kennedy, I think...it's transportation because I'm the only black coming from northeast Denver who is on the gymnastics team. They say that they can't get a bus for one student, so they give me these tickets to catch the city bus, but the city bus takes so much time...when I get home, I barely have time to study and then get a good night's rest. So it's really hard from the transportation part.[261]

In Louisville, a black student said:

> I was on the advisory council, but I never did make it to the meetings because I had no way to get out there. I called several times to tell them I had no transportation. I felt if they really wanted us on the advisory council and really wanted to hear what I had to say, they would have provided transportation.[262]

Schools sometimes compensate for inadequate transportation by providing activity periods during the regular school day. The principal of Dunbar Elementary School in Hillsborough County explained how the school surmounted the transportation problem:

> We have a club day which is every other Friday; it is from 1:30 to 2:30 and our students leave at 2:45. The clubs are sponsored by the teachers with varying talents and it is a delightful experience...we enjoy it.[263]

Similarly, in Little Rock, Arkansas, student activities such as student council meetings, drama, and art take place during the regular school hours to avoid transportation problems.[264]

Encouragement from teachers and administrators, though vital if minority students are to participate in extracurricular activities, is often lacking, and left alone, few students will choose to participate. Thelma Shuma, dean of girls of H.B. Plant High School, Hillsborough County, explained:

> It is hard for them to get into these extra activities because there is such a small number of them...they just feel [like] outsiders.
>
> ...If the total administration and teachers at the school would encourage the black students to become involved, help them to become involved, then I think it would help. But they just leave it up to the student...and they don't get involved.[265]

Publicizing activities is one way to encourage participation. A student from Brandon High School, Hillsborough, said:

> ...[T]he whites tell their friends about it [extracurricular activities] and they tell their friends...blacks don't really get interested or know about the clubs...[There's a] lack of information. They just don't know about it.[266]

This student also said that encouragement is provided by black teachers but not white teachers.[267]

At Burke High School in Boston, white students hesitated to join sports teams that are predominantly black. According to Burke's coach, efforts to encourage white students to join the basketball team failed the first year, but continued encouragement yielded four times as many white students for the following year's team. He explained:

> The [white] kids have become much more comfortable in the situation. The white kids are even causing trouble now, where they weren't at the beginning of the year, which is a--you don't want it, but it is a very natural thing.[268]

The Tulsa, Oklahoma, Independent School District faced the problem systemwide. School officials conducted workshops for the student council, cheerleaders, and pep club sponsors to explore the reason for lack of minority participation and to develop ways to encourage greater participation.[269] Some schools in Hillsborough County require the student council to be representative of both bused and nonbused students. Although this policy has been effective in ensuring minority participation on the student council, it has not been used for interest clubs.[270]

When schools have been successful in bringing about participation of all students in extracurricular activities, students of different racial and ethnic backgrounds are likely to view each other as equals. The dean of boys of a junior high school in Hillsborough County told the Commission:

> We had a dance 2 weeks ago. It was formal, most of the boys appeared in tuxedos. The pupils elected a king and a queen from the ninth grade, and a prince and princess from the eighth grade.

> Our king is white; our queen is Cuban; our prince is black; our princess is Cuban.[271]

STUDENT ATTITUDES

Students, the major actors in the school desegregation process, consistently adjust to school desegregation in a positive manner.

Superintendents queried in the Commission's national survey said that a majority of students, both white and minority, supported desegregation in their districts. This was true of minority students in 72 percent of the districts and of white students in 62 percent. Furthermore, student support reportedly increased substantially after the desegregation plan was in operation.[272] In interviews and hearing testimony these feelings were generally expressed in very personal terms relating to individual experiences. One student in Denver said:

> When I first heard about going to Manual, I was ...in eighth grade...and I think I might have been really scared...except my mom had been working with Mr. Ward and a lot of the kids and teachers and she knew a lot about it.
>
> And I had a lot of support from the house, my mom and older friends who are going to Manual now, and they said, "Don't be scared of it, now it's really great." And I think so now.[273]

Positive attitudes have been expressed by students even in school districts marked by disruptions and chaos. In

Pontiac, Michigan, where protests and violence characterized the beginning of school desegregation, parents and school personnel said that students, rather than the school board or central school administrators, had provided substantial leadership.[274] Students at one school formed an organization known as The Group "to show the positive side of integration." During the following school year, several thousand students throughout the system joined The Group in support of the motto "We Can Make it Work."[275]

In Boston, another district marked by violence, students testifying at the Commission's hearing emphasized the benefits of school desegregation. One student said:

> ...what really sort of made me mad about the whole school year was all the good things that happened at Jerry [Jeremiah E. Burke High School]...it was never brought out...[W]ithin the school it was brought out, but in the community, and the whole city of Boston, the media just kept [reporting] the bad things that were happening about desegregation in the schools.[276]

While busing is considered an inconvenience by some students, many students view it as a positive and often enjoyable experience. The Southern Regional Council found that students who are bused to school are more favorable toward busing than students who are not and that students in general are more positive about busing than adults.[277] A Tampa student concisely expressed his feelings about the bus ride, "It is all right with me because I like to ride."[278] Another Tampa student testified that her mother drove her to school because the bus ride would necessitate arising at 4:45 a.m.:

> ...I would have to leave at a quarter to 6:00 if I wanted to ride the bus, therefore get up at a quarter to 5:00.
>
> This way, since I get a ride to school, I don't have to get up until 5:30, so I get extra sleep.[279]

A parent described her son's feelings about the bus ride: "He really rather enjoys the bus ride. On occasion I have offered to give him transportation home, and I have been reprimanded severely for that."[280]

Racial Attitudes

Student testimony received by the Commission indicated that although desegregation initially had been a frightening or difficult adjustment because of preconceived notions or prejudices, it subsequently proved to be a worthwhile experience and essential preparation for life. A white student in Stamford said:

> ...I happen to think that integration was the best thing that ever happened to me. I think it's really taught me to live with a lot of different people ....[T]hrough six grades in school, I was with only whites, and only with people who were around me. And I was, of course, all of a sudden thrown into a completely different atmosphere. And the adjustment was tough. But I learned to

> deal with it....So I think it's done me well and I happen to agree with it.[281]

A student in Minneapolis described his experience with school desegregation:

> ...I feel that it has opened my mind and going to school with people from different backgrounds...has probably far more prepared me than sitting in an all-white school and learning Greek and Latin and so-called classical education. I think that getting out and meeting people from different backgrounds has probably better prepared me than...spending all that time learning at an all-white school.[282]

A black student expressed his views:

> You won't know about people until you are mixed with them. And I think school is really where people get together and people mix,...and I'd rather go to an integrated school than an all-black school.[283]

A student in Louisville said:

> If I hadn't gone to Thomas Jefferson, I would really be a narrow-minded person, because before I went there I went to a...private, all-white school, and I had no idea what other people were like, I couldn't care less.
>
> I didn't want to associate with anybody except whites. But at Thomas Jefferson, I got to where color didn't matter to me....I didn't care whether they were black or not, it was what type of person they were, and I couldn't understand why so many people were so bigoted or prejudiced.[284]

When student disruptions occur they are almost always of short duration and with time students quickly adjust to one another. Moreover, disturbances cited as racial incidents by the media or opponents of school desegregation most often are viewed differently by school personnel and students. Staff at several high schools in Tampa consistently cited overcrowding as the cause of school disturbances during the beginning stages of school desegregation, rather than racial confrontations.[285] Increasingly, disturbances are seen simply as conflicts between students rather than racial incidents. A student in Denver stated:

> It's not racial stuff--just fights. Two white kids, two black kids; maybe it's black and white. That doesn't make any difference, it's two kids that have to fight it out because of a disagreement.[286]

In Charlotte, North Carolina, black and white students held a press conference to request that the superintendent, school board, and media "leave them alone" and stop blowing minor incidents out of proportion. The students said they were getting along fine.[287]

Promoting Positive Racial Attitudes

Fostering positive student racial attitudes is one of the goals made possible by school desegregation. School districts have produced positive results by providing opportunities for students to meet and interact both before the beginning of school and during the school year. These activities range from picnics and ice cream socials to retreats and summer jobs helping to reorganize the school.

Students in Hillsborough County schools were involved from the very beginning, with 30 students serving as members of the citizens' committee which helped draft the plan.[288] During the semester prior to school desegregation in Springfield, Massachusetts, orientation programs for parents and students were held at both sending and receiving schools. The program included a tour of the facilities, explanation of curricula, and question and answer sessions with the principal and faculty.[289]

Similarly, Denver students and staff from a number of receiving schools went to feeder schools to inform pupils about available courses and extracurricular activities and to reduce fears or anxieties.[290] A Denver organization sponsored a youth involvement program and brought students from various schools to YWCA facilities to swim and socialize prior to the beginning of the school year.[291] One Denver high school hired students over the summer to help prepare for school desegregation.[292] Students assisted in marking books, mimeographing, taking inventory, and working with teachers to plan student orientation activities and discuss potential problems. The principal expressed the philosophy behind establishing such programs.

> ...We felt that there had to be meetings where students could get together during that summer prior to the opening of school in the fall to see

> what they could do to alleviate some of the kinds of tensions and problems and negative feelings that both parents and students would have.[293]

In Minneapolis, black and white students, including proponents and opponents of school desegregation, participated in a retreat. Its purpose was to acquaint them with one another, discuss problems, and obtain suggestions and recommendations.[294] The Berkeley superintendent created a task force of students who met with him on a regular basis to discuss the expectations, fears, and differences between cultural groups. These students became advocates for desegregation in their respective schools.[295]

During the early stages of desegregation, schools used varied techniques to keep students informed, help them adjust, and promote intergroup contacts. A teacher in the Denver school system devoted some class time to an explanation of the school desegregation issue. A student testified to the importance of this class.

> He discussed the whole issue of...busing, how it came about and the constitutional issue; and it really helped me, because before that I didn't know about it.
>
> And this year, I know he's maybe touched on it a couple of times, and the students are aware.[296]

A teacher described her system of orienting students to their new environment:

> I made plans to make the children feel as comfortable as possible at the school, so I set up a buddy system...[T]he children who had been attending Moore School would be a buddy, paired with someone from the satellite area. And I felt like this would make them feel more at home.[297]

In many school districts, students are organized in human relations or biracial councils. Although known by various titles and with different organizational structures, the councils have generally been established to promote positive student relations and a positive school spirit. Student advisory committees in Tampa, consisting of an equal number of minority and majority students, were organized in all secondary schools.[298] The committees provided a forum for student interaction between the races and for developing appreciation of diverse backgrounds.

Similarly, in Austin, Texas, triethnic student human relations committees (black, white, and Mexican American) organized activities to foster positive attitudes toward desegregation.[299] Racially mixed student coordinating councils operate in the schools of Charlotte-Mecklenburg to promote student involvement.[300] In a Denver high school, black and white students who "had it together" were organized into the "Smiley Action Team." If a student encountered a problem of a racial nature, he or she would be "buddied" for a day or two with a member of the "Smiley Action Team," usually of the opposite race.[301]

In Bogalusa, Louisiana, orientation of students to school desegregation and human relations activities were notably absent.[302] Racial relations among students have been strained since the initial stages of school desegregation and remained the same in 1976.[303] In fact, school activities are kept to a minimum and each year two high school proms are held, one black and one white.[304]

School districts can contribute greatly to the promotion of positive student racial attitudes. By creating an environment that is not merely desegregated but truly integrated, much can be done to prepare students for life in a pluralistic society. A Denver student, when asked what stood out as the most significant experience of her senior year, responded: "I think, to me, it was learning that the world wasn't made up of the Bear Valley that I had always known. Now it's not secluded and there is not such an ethnic idea about our little community."[305]

DISCIPLINE IN DESEGREGATED SCHOOLS

Minority parents in most desegregated school districts are seriously concerned that a higher proportion of minority youngsters are subject to disciplinary measures, primarily suspensions and expulsions, than white students. The disproportion is most evident in statistics on student suspensions. The Department of Health, Education, and Welfare reported the following facts based on an analysis of its 1973 school desegregation survey:

> ...minority students are being kept out of school as a disciplinary measure more frequently and for longer periods of time than nonminority students.
>
> ...the frequency of expulsions and suspensions of black, Spanish-surnamed, Asian American, and Native American-Indian students is nearly twice that of white students. The average length of a suspension is nearly a day more for a minority student than for a white student.[306]

The problem is of such magnitude that many studies have been conducted to determine its cause and consequences.[307] Many school officials say that racially disproportionate suspensions do not mean racial discrimination, that "black overrepresentation among those suspended or expelled is simply incident to the fair administration of essential school rules designed to safeguard the integrity of the teaching and learning environment."[308] Minority students, on the other hand, often see racially disproportionate suspensions as a lack of fairness in the application of school rules and discipline. The disparity is of such a magnitude, however, as to make any nonracial explanation suspect in some quarters. The consequence of mass suspension and expulsion of minority students is that many of these people become disillusioned and drop out or, more accurately, are pushed out of school.[309]

In Hillsborough County, Florida, during 1970-71, the year prior to total desegregation, 4,805 students were suspended. During 1971-72, the first year of desegregation, 8,598 students were suspended. In 1973-74 the number increased to a peak of 10,149, almost 10 percent of the student population, and about half were minority students who were only 20 percent of the total school enrollment.[310] Hillsborough County school officials maintain that, although a disproportionate number of minority students are suspended, it is not due to discrimination but that a large proportion of black students are disobeying the rules.[311]

The black community, concerned for some time over the number of black student suspensions, filed a complaint with the Office for Civil Rights (OCR) of the Department of Health, Education, and Welfare charging discrimination in the administration of discipline. After an investigation, HEW notified the school district that its disciplinary policies had a discriminatory impact on minority students and it should develop an affirmative action plan to alleviate the problem.[312]

During the first 4 months of desegregation in Denver, 3,844 students were suspended, 2,748 of whom were minority students. Of the junior high school suspensions, 73 percent were minority students although they constituted only 45 percent of the junior high population. HEW's Office for Civil Rights had notified the Denver school superintendent of probable noncompliance with the Emergency School Aid Act regulation governing the administration of disciplinary sanctions[313] and recommended that they review and analyze incidents of suspension to determine what causes or procedures had led to the disproportionate suspension of minority students. OCR further suggested that alternatives be tried, using suspension only as a last resort, but warned against alternatives which segregate children and provide inferior services and education. In reference to the desegregation process, OCR stated that particular attention should be given to the transition pressure for children entering certain schools.[314]

Disproportionate discipline is evident even at the elementary level. A Denver elementary school teacher expressed his concern about the disparate treatment of minority children:

> I became very upset that every time I would walk into the office, the office would be full of blacks and Chicanos to be disciplined. It just didn't set right with me...why was it that Chicanos and blacks were the only ones causing trouble in the school? Why were they always sitting on the bench?[315]

The suspension problem in the Jefferson County Public Schools in Louisville is a major concern of black leaders and parents.[316] In April 1976 the Louisville Times reported that some Jefferson County high schools were suspending black students at rates 7 to 15 times as high as the rate for white student suspensions, and that black suspensions were highest in newly desegregated schools that were part of the old, predominantly white, county school system. In schools formerly part of the Louisville city school system, the suspension rate for blacks was markedly lower. County principals maintain that the disparity is justified because they are having special discipline problems with black students who became used to lax discipline in the city schools they attended before desegregation.[317] The newspaper quoted several principals:

> Those kids just can't adjust to the fact that you don't leave class when you want to, you don't come to school when you want to.[318]

> ...those kids tend to talk back more, they tend to be louder, they tend to express themselves with less hesitation and reservation. They tend to fire back at you.[319]

Another white principal in a formerly predominantly white county school, who asked not to be named in the news article, was quoted as saying:

> I think there ought to be some alternative where a person is suspended as an in-school type of thing, but he doesn't go to a classroom. He goes to a rock pile and he's supervised by two Marine drill sergeants. He goes to the compound for six hours a day, and he works. He sweats.[320]

City principals deny that city schools are lax in requiring discipline and say that many of the problems are caused by insensitivity of county principals:

> Black kids have a different culture. They talk differently than white kids and some of the people in [the county] schools are not used to it. So, instead of trying to get used to it, the thing that they use to get the kids under control is ... suspension...[321]

In Berkeley, where disproportionately high suspension of black students also is an issue, Dr. Ramona Maples, associate director of research for the school district, offered this explanation: "Black children still do not know how to beat the system. They do not know the appropriate way to get through the system without getting punished." Dr. Maples said that more black male children are disciplined than any other group.[322]

In Prince George's County almost 46 percent of the students suspended in the 3-month period following desegregation were black, although black students were only about 25 percent of the student population.[323] A white administrator for Prince George's County schools admitted that the racial attitudes of school personnel could contribute to the high number of black suspensions:

> I personally would expect that the suspension rate for whites and blacks would conform generally to the racial distribution of students in the system. If proportionately greater numbers of blacks are suspended than whites, I think we have a problem of discrimination.[324]

In Prince George's County, officials also cited inconsistency in the application of discipline. Black and white school personnel noted a general "inattentiveness" to the behavior of black students by many white teachers. One teacher stated that some white teachers say they are afraid of black students and allow them to cut class and roam the halls while compelling white students to follow the rules. This attitude, many felt, was "the most derogatory attitude possible" because it led black students to misbehave further. A black counselor said that "fear of black students" was a "copout" because "the plain and simple fact is that they don't care about these children."[325]

Disciplinary policies which allow students to avoid suspension if their parents come to the school for a conference can result in lower suspension rates for white students. Minority parents often are unable to come to school for a teacher conference because they work or do not have transportation. A review of Richland County School District No. 1 in South Carolina revealed that, because of white parental conferences, white students receive fewer or shorter suspensions.[326] A black community leader in Tampa said:

> I submit that the reason more white students are disciplined within the school and kept there without having to be suspended or expelled is because more white parents are available for conference with the school administrators and to work out the problems on the spot or through a continuing basis.[327]

Discipline Codes

School desegregation frequently is followed by a toughening of disciplinary rules and regulations, often at the urging of white antidesegregation groups. Citizens for Community Schools, an antibusing group in Prince George's County, joined by some county teachers, shifted its attention from busing and desegregation to student conduct. The toughness of the system's disciplinary policies also became a key point of debate among candidates during the 1973 school board race.[328] In Louisville-Jefferson County with the implementation of desegregation, the teachers' union pushed for a strong disciplinary policy.[329]

Discipline or behavior codes are usually very general and most punishable offenses depend upon the subjective judgment of teachers, such as annoying classmates, lack of cooperation, rude and discourteous behavior, restlessness and inattentiveness, excessive talking, and mischief.[330]

Because individual principals usually have complete authority over discipline, all schools do not operate under the same behavior codes. Consequently, when desegregation reassigns students, they must often adjust to new rules and regulations. In Prince George's County schools, the Commission found:

> ...standards of discipline in individual schools varied widely throughout the county. The absence of a single, systemwide code of discipline caused the greatest adjustment problems for students who transferred from a relatively lenient school to a strict school. For these students the problem of adjusting was occasionally compounded by the fact that some schools reportedly failed to orient their new students adequately. As a result, some students learned the new rules the hard way....[331]

Litigation and Civil Rights Complaints

Minority parents have begun to challenge the discriminatory aspects of the administration of discipline. In Tillman v. Dade County School Board the issue centered on fighting between black and white students.[332] Although evidence failed to prove whether blacks or whites had initiated the disruption, all but 6 of the 93 students initially suspended were black. With some suspensions lifted, 1 white student and 47 black students were suspended for 10 or more days. In this incident, school authorities had summoned the police, who separated black and white students who were fighting by pushing the white students off the campus while containing the blacks inside the school. The court accepted the defendants' position that police action had caused only black students to be easily identified and apprehended for misconduct.[333]

In contrast, a Federal court in Dallas, Texas, ruled that disciplinary policies were applied in a racially discriminatory manner following desegregation in that city's schools. Of 10,345 students suspended in 1971, 5,449 were black.[334] Asked to explain the high rate of black suspensions, the Dallas school superintendent testified that institutional racism and racism among individuals was the cause.[335]

Civil rights and parent groups also have filed complaints with HEW which, under Title VI of the Civil Rights Act of 1964 and the Emergency School Aid Act, has a responsibility to ensure that school districts do not practice discrimination. In one such complaint filed against Richland County School District No. 1 (Columbia, South Carolina), HEW reviewed the district's student disciplinary practices, including statistical data and written policies and procedures. HEW also interviewed central staff, school personnel, and students at selected schools. The statistics showed a disproportionate suspension rate of minority students. The review found that the ratio of minority students suspended for subjective offenses was disproportionate to the ratio of whites suspended for similar offenses. It also found that administrators and teachers ("vestiges of the racially separate dual school system") had not been adequately prepared to deal with the problems of adjustment to a desegregated school environment.[336]

Minority students are more often suspended for "institutionally inappropriate behavior."[337] As one author said, "When a black student or parent refers to institutional racism...he is arguing...that the institution has an obligation to alter its rules to make them less arbitrary and more consistent with the behavior patterns among blacks."[338] On the other hand, the author notes, "When a white student or parent argues the need for discipline, he is implicitly sanctioning the system of institutional rules and maintaining that black children must learn to adapt to that system."[339]

Thus, basic differences in culture, lifestyle, and experiences in a white-dominated society and the reluctance of the system to accommodate these differences account, in part, for the high rate of suspension for minority students. In Hillsborough County a witness said:

> ...during [the human relations workshops]...there was no indepth attention given to some...of the major problems...cultural awareness as to dress styles, language barriers, and the black psyche in general, by which I mean the way a student reacts to a verbal command of authority from a white teacher.
>
> I feel there was some insensitivity on the part of teachers because...there is a tendency of black people to view whites as the oppressor and the way in which you give a command to a student or order him to do something has a lot to do with his response.[340]

Efforts to Remedy the Problem

Individual schools have approached the problem of minority suspensions in a variety of ways. A principal in Richland County, South Carolina, does not believe in suspensions. Her technique for curbing suspensions includes working with classroom teachers to identify potential behavior problems, using the voluntary services of a local university's psychology department to test and interview these students, and, where necessary, working with community service organizations to establish communication with the family. Where discipline is necessary, measures are used such as work details or special assignments with close teacher supervision.[341]

A Jefferson County, Kentucky, principal, whose school has the lowest suspension figures in the district for both black and white students, said he does not suspend students unless county school policy requires it. He noted that a youngster often has problems in a single class and, consequently, he will suspend the student only from that class.[342] A school in Berkeley has established a help center where students are counseled and can talk about their problems. Students involved in a fight for the first time are sent to the help center. If a second fight occurs, they are again sent to the center and their parents are told that a third referral will result in suspension.[343]

A Denver principal testified that her school uses overnight suspensions for students who repeatedly are involved in "some kind of minor infraction of school rules." According to the principal:

> In an attempt to involve the home and to let the parents know what we are saying and what we are doing and why we are doing it, we will suspend Tom Jones at the end of his schedule today, and say you cannot come back tomorrow morning until we talk with your parents. Please bring your parents back with you or contact us by phone, if they are

> working. So we have quite a number of...overnight suspensions. But the youngster is not missing school.[344]

While most administrators tend to deny categorically that racial discrimination is involved in the high suspension rates for minority students, few have studied the problems in their own districts. Where efforts have been made, it appears that school systems may not be able to evaluate themselves objectively. In both Hillsborough County, Florida, and Jefferson County, Kentucky, school administrators recognized the problem of disproportionate suspension rates of minority students.[345] But neither school district has made an investigation of the issue.

In Jefferson County, the Federal judge ordered the school district to investigate disciplinary procedures, but the subsequent report, basically a survey of opinion on whether or not the disciplined student committed the offense, did not look at some of the core issues.[346] For example, no comparison was made of the types of offenses for which black and white students were suspended, or the length of time each was suspended. There was no analysis of the judgmental aspects of discipline or of teachers and schools with the most discipline referrals. The discipline codes were not analyzed for cultural bias.

The Office for Civil Rights of the Department of Health, Education, and Welfare has undertaken a program to determine compliance with civil rights statutes in school systems where there appear to be possible violations in the administration of student disciplinary actions. OCR has issued requirements for keeping records on student disciplinary procedures.[347] These records will also be useful to a district doing a self-evaluation.

The complexity of the problem cannot be overlooked. School administrators must recognize that desegregation requires reevaluation of all school policies and procedures to ensure that they do not have a discriminatory effect on minority children. Discipline codes, the cultural standards on which they are based, and whether they are fair standards for all children must be examined. Similarly, teacher attitudes, the verbal and nonverbal signals they use to convey acceptance or disapproval, and how different groups of students receive such messages should be studied. Only when administrators and teachers become sensitive to the problem can effective solutions be found.

On the issue of discipline and its devastating effect on the education of both minority and poor children, a community leader in Louisville said: "There has to be a better way. Instead of trying to find an alternative to busing...our elected officials and...the school board [should] find alternatives to suspensions."[348]

Note To Chapter III

1. John Egerton, *School Desegregation: A Report Card from the South* (Atlanta: Southern Regional Council, April 1976), p. 32.

2. U.S., Commission on Civil Rights, Virginia Advisory Committee, *The Federal Role in School Desegregation in Selected Virginia Districts* (1968), p. 5.

3. It should be noted that there was opposition by leaders in districts which had no disruptions (e.g., in 35 percent of these districts, local business leaders were opposed to desegregation).

4. U.S., Commission on Civil Rights, *School Desegregation in Ten Communities* (1973), p. 20 (hereafter cited as *Ten Communities*).

5. U.S., Commission on Civil Rights, *Desegregating the Boston Schools: A Crisis in Civic Responsibility* (1975), p. viii (hereafter cited as *Crisis in Civic Responsibility*).

6. Ibid., p. 66.

7. Berkeley transcript, testimony of Carol Sibley, former school board member, p. A-47.

8. Ibid., p. A-46.

9. *Ten Communities*, p. 151.

10. Minneapolis, Minn., Case Study, p. 25.

11. U.S., Commission on Civil Rights, *A Long Day's Journey into Light: School Desegregation in Prince George's County* (1976), p. 343 (hereafter cited as *Long Day's Journey*); Vaughns v. Board of Education of Prince George's County, (355 F. Supp. 1038, 1063 (D. Md. 1972)).

12. Bogalusa, La., Case Study, p. 24.

13. Greenville, Miss., Case Study, pp. 6, 7.

14. *Ten Communities*, p. 109.

15. Ibid., p. 66.

16. Denver transcript, p. 197.

17. Ibid., p. 188.

18. Crisis in Civic Responsibility, p. 29.

19. Boston, Mass., Office of the Mayor, press release, Sept. 9, 1975.

20. Long Day's Journey, p. 373.

21. Ibid.

22. Tampa transcript, p. 201.

23. The State Journal (Frankford, Ky.), Sept. 7, 1975, p. 4.

24. Louisville transcript, testimony of Jefferson County Judge Todd Hollenbach, pp. 474-76.

25. Denver transcript, testimony of Art Dill, p. 191.

26. Tampa transcript, p. 175.

27. Ibid., p. 176.

28. Crisis in Civic Responsibility, p. 29. See also, James F. Fisk and Raymond T. Galvin, "A Consultant Report on the Boston Police Department During the 1974-75 School Desegregation," draft report to the U.S. Commission on Civil Rights, June 30, 1975.

29. John Egerton, Promise of Progress, Memphis School Desegregation, 1972-1973 (Atlanta: Southern Regional Council, 1973).

30. Ibid., p. 13.

31. Ibid., p. 8.

32. Ibid., p. 23.

33. Tampa transcript, testimony of W. Scott Christopher, pp. 72, 73.

34. Greenville, Miss., Case Study, p. 6.

35. Staff Investigation Summary, Louisville and Jefferson County, pp. 28-36.

36. Denver transcript, testimony of Bishop Melvin Wheatly, United Methodist Church of Denver, p. 119-20, and Bishop George Evans, vicar of urban affairs, Roman Catholic Archdiocese of Denver, pp. 121-22.

37. Ibid., p. 122.

38. Denver transcript, testimony of Lorie Young, p. 740.

39. Egerton, Promise of Progress, p. 11.

40. Ibid., pp. 15-16.

41. Corpus Christi, Tex., Case Study, p. 88.

42. Crisis in Civic Responsibility, p. 200.

43. Ibid., pp. 201-2.

44. Ibid., pp. 202-3.

45. Dorchester County, Md., Case Study, p. 19.

46. Greenville, Miss., Case Study, p. 7, 15.

47. Louisville transcript, testimony of Lois Cronholm, director, Louisville-Jefferson County Human Relations Commission, p. 375.

48. Ibid., testimony of Galen Martin, director, Kentucky Commission on Human Relations, pp. 376-77.

49. Ibid., p. 377.

50. "The Burden of Responsibility," Courier-Journal, Aug. 6, 1975.

51. See for example, Minneapolis Case Study, p. 17; also, Tampa transcript, testimony of E.L. Bing, assistant superintendent for supportive services, Hillsborough County School District, p. 38.

52. See, for example, testimony of Rev. Richard Kerr, chairman, People Let's Unite for Schools, Denver transcript, pp. 106-11.

53. Crisis in Civic Responsibility, p. 80.

54. Ibid., pp. 85-86.

55. Greenville, Miss., Case Study, p. 13.

56. Crisis in Civic Responsibility, Finding No. 13, p. 53.

57. Ibid., Finding No. 21, p. 73.

58. Tampa transcript, Bing testimony, p. 38.

59. Mannings v. Board of Public Instruction of Hillsborough County, Florida, 277 F.2d 370 (5th Cir. 1960).

60. Tampa transcript, Bing testimony, p. 46.

61. Prehearing interviews, Jan. 12, to Mar. 26, 1976, Commission files.

62. Minneapolis, Minn., Case Study, p. 17.

63. Ibid., p. 21.

64. Kalamazoo, Mich., Case Study, p. 4.

65. Ibid., p. 7.

66. See, for example, Long Day's Journey, p. 354; Berkeley transcript, testimony of Ramona Maples, p. A-90.

67. Harold Clark, general area director, Hillsborough County schools, interview in Tampa, Jan. 16, 1976.

68. Fred Crawford, equal opportunity specialist, Community Relations Service, U.S. Department of Justice, interview in Tampa, Mar. 1, 1976.

69. Tampa transcript, p. 399.

70. Ibid., p. 400.

71. Ibid., p. 399.

72. Berkeley transcript, testimony of Ramona Maples, p. A - 90.

73. Boston transcript, testimony of Ellen Jackson, director, Freedom House Institute on Schools and Education, p. 212.

74. Ibid., pp. 212-13.

75. See, for example, U.S. Commission on Civil Rights, *The Diminishing Barrier: A Report on School Desegregation in Nine Communities*, 1972, p. 46 (hereafter cited as *Diminishing Barrier*); Springfield, Mass., *Case Study*, p. 11.

76. Ossining, N.Y., Case Study, p. 9.

77. Berkeley, Calif., Case Study, p. 18.

78. Denver transcript, testimony of Mary Ann McClain, p. 906.

79. Ibid., testimony of Nancy Widmann, p. 961.

80. Springfield, Mass., Case Study, p. 11.

81. Louisville transcript, testimony of Joseph McPherson, principal, Central High School, pp. 604-05.

82. Denver transcript, p. 800.

83. Title VII of the Education Amendments of 1972 provides funds for implementation of voluntary and court-ordered desegregation plans in schools. 20 U.S.C. §1601 *et seq.* (Supp. II 1972).

84. Egerton, *Report Card from the South*, p. 18.

85. *Ten Communities*, p. 163; *Diminishing Barrier*, p. 7.

86. Boston transcript, pp. 251-52.

87. *Crisis in Civic Responsibility*, p. vi.

88. See, for example, Ossining, N.Y., Case Study, p. 13; *Long Day's Journey*, p. 336; Egerton, *Promise of Progress*, pp. 8-9.

89. Promise of Progress, pp. 8-9.

90. Denver transcript, testimony of Richard Kerr, p. 109; testimony of Maurice Mitchell, p. 71.

91. Keyes v. School District No. 1, Denver, Colorado, 413 U.S. 189 (1973).

92. Denver transcript, p. 109.

93. Ibid., pp. 71-72.

94. Ibid., p. 962. A parent organization in Denver, for example, sponsors monthly programs at individual schools which consist of a number of cultural exchange activities.

95. Ibid., p. 795. Reference is made to The East and Manual Supporters (TEAMS), an active parent organization that assisted in the implementation of desegregation at those high schools.

96. Tampa transcript, pp. 656-57.

97. Louisville transcript, testimony of Ernest C. Grayson, superintendent, Jefferson County Board of Education, pp. 770-73.

98. Ibid., testimony of Rev. Thomas Quigley, director, Louisville Area Interchurch Organization for Service (LAIOS), p. 562.

99. Denver transcript, p. 75.

100. Tampa transcript, testimony of Stephen Sessums, former chairman of the Bi-Racial Advisory Committee, p. 438. This committee, created by court order, serves in an advisory capacity in three areas: the selection of school construction sites, the establishment of boundary lines, and application for transfers from assigned schools.

101. Ibid., testimony of Joanna Jones, member of the Bi-Racial Advisory Committee, p. 804.

102. Satellite attendance zones are attendance areas that are geographically noncontiguous to the school. Pairing or grouping of schools is achieved when attendance areas of two or more schools are merged so that each serves different

grade levels for a new larger attendance area. Clustering is similar to the process of pairing but usually involves more schools. Grade-locking refers to the establishment of one- or two-grade centers, for example, a school which serves only sixth graders or sixth and seventh graders. A magnet school ranges from a full-time school with special academic programs to a center with programs which supplement basic academic skills taught in the regular classroom. In the South the black schools were frequently closed because of the inadequacy of the facilities.

103. U.S., Department of Health, Education, and Welfare, National Institute of Education, Summary of Statistics on School Desegregation Issues, April 1976, pp. 1, 2.

104. The figure $129 million was compiled by multiplying the number of pupils bused for school desegregation purposes times the per pupil transportation cost. U.S. Department of Health, Education, and Welfare, National Center for Educational Statistics, 1973-74.

105. Marian Wright Edelman, "Winson and Dovie Hudson's Dream," Harvard Educational Review, vol. 45, no. 4 (1975), p. 445.

106. Ibid., pp. 444-445.

107. Ibid., p. 445.

108. U.S., Department of Health, Education, and Welfare, National Institute of Education, Statistics on Selected Desegregation Issues, April 1976, p. 2.

109. Reassignment data were compiled from 491 school districts and busing data from approximately 250. U.S., Commission on Civil Rights, national survey data, 1976.

110. The percentage increase ranged from 3.4 to 50. State Advisory Committee Case Study, Characteristic Profile Summary.

111. Ibid.

112. Data compiled from case study factsheets for each district.

113. Minneapolis, Minn., Case Study, p. 11.

114. Ibid., p. 14.

115. Ibid., p. 15.

116. Ossining, N.Y., Case Study, p. 5; Case Study Factsheet: Ossining, N.Y.

117. Ossining Case Study, p. 6.

118. Erie, Pa., Case Study, p. 6.

119. Ibid., p. 29.

120. Case Study Factsheet: Ogden, Utah.

121. Ogden, Utah, Case Study, pp. 6-7.

122. U.S., Commission on Civil Rights, Staff Report, Hillsborough County School Desegregation (March 1976), pp. 105, 107, 108.

123. Ibid.

124. Ibid., pp. 110-12.

125. Tampa transcript, testimony of Wayne Hull, assistant superintendent for business and research, Hillsborough County School District, pp. 359-60.

126. Ibid., p. 361. The land area of Hillsborough County is approximately 1,040 square miles.

127. Ibid., testimony of Janet M. Middlebrooks, PTA president, p. 654.

128. Louisville transcript, testimony of Tuwana Roberts, p. 619.

129. Egerton, Report Card from the South, p. 22.

130. For example, see Denver transcript, testimony of Laura Hendee, vice principal, Merrill Junior High School, p. 412; Louisville transcript, testimony of Barbara Cummings, teacher, Crosby Middle School, p. 636.

131. For example, see Denver transcript, testimony of Ramona McHenry, teacher, Merrill Junior High School, p. 401, and

testimony of Teresa Torres, teacher, Baker Junior High School, p. 371.

132. For example, see Tampa transcript, testimony of Ishmael Martinez, teacher, H.B. Plant High School, p. 547.

133. See Nancy St. John, *School Desegregation Outcomes for Children* (New York: John Wiley & Sons, 1975), p. 36; Meyer Weinberg, "The Relationship Between School Desegregation and Academic Achievement: A Review of the Research," *Law and Contemporary Problems*, vol. 39, no. 2 (Spring 1975), pp. 242-43.

134. Weinberg, "Relationship Between School Desegregation and Academic Achievement," p. 269.

135. Williamsburg, S.C., Case Study, and Egerton, *Report Card from the South*, pp. 21-24.

136. Berkeley transcript, testimony of Arthur Dambacher, pp. B-124-28.

137. Minneapolis transcript, testimony of W. Harry Davis, director, Minneapolis School Board, pp. 329, 330.

138. Berkeley transcript, testimony of Arthur Dambacher, pp. B-139-140.

139. Of the 29 districts investigated, 17 have instituted ethnic studies or multicultural programs.

140. Minneapolis transcript, testimony of Mike O'Donnell, teacher, Wilder School, p. 620.

141. Tampa transcript, testimony of Kenneth Otero, teacher, H.B. Plant Senior High School, p. 555.

142. School systems in Massachusetts are required by the Transitional Bilingual Education Act of 1972 to provide bilingual instruction if the number of any one language group exceeds 20 students in each system. In Boston, 187 teachers are employed to teach children whose native languages are Spanish, French, Chinese, Greek, Portuguese, and Italian. Boston School Department, Bilingual Programs, Boston Public Schools, Mar. 1, 1975. M.G.L.A. c. 71A, §2.

143. Tampa transcript, testimony of Norma Labato, coordinator, bilingual education, Hillsborough County Public Schools, pp. 917-34.

144. The Indochinese Migration Refugee Assistance Act of 1975, Public Law 94-23 et seq. (May 23, 1975), made this program available in January 1976.

145. Denver transcript, testimony of Albert Aguayo, bilingual program supervisor, Denver Public Schools, pp. 774-75.

146. U.S. Commission on Civil Rights, A Better Chance to Learn: Bilingual-Bicultural Education (1975) (hereafter cited as Better Chance to Learn).

147. Berkeley transcript, testimony of Gene Roh, school board member, Berkeley Independent School District, p. A-71.

148. Better Chance to Learn, pp. 29-30, 86-87.

149. Denver transcript, testimony of Roscoe Davidson, associate superintendent, Denver Public Schools, p. 573.

150. Tampa transcript, testimony of Frank Farmer, assistant superintendent, Hillsborough County Schools, p. 297.

151. James D. Ward, Denver, Colo., staff interview, Dec. 4, 1975.

152. The Emergency School Aid Act (ESAA) 20 U.S.C. §1601 et seq. (Supp. IV 1974) is designed to "encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students, and to aid school children in overcoming the educational disadvantages of minority group isolation." 20 U.S.C. §1601(G) (Supp. IV 1974).

153. Long Day's Journey, p. 361.

154. Ibid., p. 362.

155. Denver transcript, testimony of Laura Hendee, vice principal, Merrill Junior High School, Denver Public Schools, pp. 404-05.

156. Of the 29 case study districts, 10 established magnet schools. *SAC Case Study Analysis*, 1976.

157. Nell Sweeney, Brown Instructional Center, Louisville, Ky., staff interview, July 9, 1976.

158. Milburn Maupin, deputy superintendent, Federal Programs and Human Relations, Jefferson County Public Schools, staff interview, Mar. 1, 1976.

159. J. C. Cantrell, assistant superintendent of instruction, Louisville, Ky., staff interview, July 9, 1976.

160. Morgan v. Kerrigan, civil action, No. 72-911-g. Phase II Plan, pp. 11-42.

161. Morgan v. Kerrigan, Draft Revisions of Masters' Report (Apr. 17, 1975), Phase II Plan, p. 50.

162. U.S., Commission on Civil Rights, staff report, *School Desegregation in Boston*, (1975) (hereafter cited as *School Desegregation in Boston*).

163. Tulsa, Okla., Case Study, p. 59.

164. Ibid., p. 60.

165. Ibid.

166. Gordon Foster, "Desegregating Urban Schools: A Review of Techniques," *Harvard Educational Review*, vol. 43, no. 1 (February 1973), p. 19.

167. *SAC Case Study Analysis*. Title IV of the Civil Rights Act of 1964, Section 403, provides funds for such training. The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole or in part, the cost of: (1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and (2) employing specialists to advise in problems incident to desegregation. For a review of Title IV see U.S., Commission on Civil Rights, *Title IV and School Desegregation, A Study of a Neglected Federal Program* (1973).

168. Minneapolis, Minn., Case Study, pp. 15-16.

169. Berkeley, Calif., Case Study, p. 13-14.

170. Keyes v. School District No. 1, 413 U.S. 192 (1973) and Evie Dennis, community specialist, Denver, Colo., staff interview, Dec. 15, 1975.

171. Robert Wynkoop, staff advisory specialist, Jefferson County Public Schools, interview, Mar. 3, 1976.

172. Louisville transcript, testimony of Ernest Grayson, superintendent, Jefferson County Public Schools, p. 745.

173. James Coleman, associate superintendent for community development, Jefferson County Public Schools, interview, March 3, 1976.

174. Louisville transcript, testimony of Scott Horan, intergroup and community relations specialist; and Fannie Gul, human relations coordinator, pp. 502-13.

175. SAC Case Study Analysis, 1976.

176. Louisville transcript, testimony of W. Carlyle Maupin, p. 643.

177. Tampa transcript, testimony of Frank Farmer, assistant superintendent of instruction, Hillsborough County Schools, p. 304; Dora L. Reeder, principal, and Arthur Flemming, teacher, Dunbar Elementary School, pp. 650-53.

178. Kalamazoo, Mich., Case Study, pp. 12-13.

179. Denver transcript, testimony of Ramona McHenry, teacher, Merrill Junior High School, p. 421.

180. Ibid., testimony of Bettye Emmerson, pp. 676-79.

181. Tampa transcript, testimony of Patricia Wingo, H. B. Plant High School, p. 562.

182. Ibid., pp. 307-08.

183. Denver transcript, testimony of James Ward, principal, Manual High School, p. 815.

184. Ibid., testimony of William Corker, pp. 793-94.

185. Berkeley transcript, testimony of Donna McKinney, pp. B-106-07.

186. Tampa transcript, p. 218.

187. Thelma Shuman, interview, Tampa, Fla., Feb. 27, 1976.

188. Tampa transcript, testimony of Katie Keene, p. 223.

189. Nancy H. St. John, *School Desegregation: Outcomes for Children* (New York, N.Y.: Wiley, 1974), pp. 125-26.

190. Stamford transcript, testimony of John Brown, director of Stamford's community action program, p. 161.

191. Berkeley transcript, testimony of Beatrice Terreira, principal, Martin Luther King Junior High School, p. A-207.

192. *Better Chance to Learn*, p. 39.

193. Ibid.

194. Boston transcript, testimony of Paul Parks, secretary of education, Office of the Governor, p. 42.

195. Stamford transcript, testimony of Michael Palmer, student, West Hill High School, pp. 222-23.

196. Edgar G. Epps, "The Impact of School Desegregation on Aspirations, Self-Concepts, and Other Aspects of Personality," *Law and Contemporary Problems*, vol. 39, no. 2 (1975), p. 311.

197. Stamford transcript, pp. 175-76.

198. Berkeley transcript, testimony of Jesse Anthony, music teacher, pp. B-50-51.

199. St. John, *Outcomes for Children*, p. 108.

200. Providence, R.I., Case Study, p. 18.

201. Egerton, *Promise of Progress*, p. 7.

202. Ibid.

203. Keyes v. School District No. 1, 413 U.S. 192 (1973).

204. Denver transcript, testimony of Bettye J. Emerson, p. 672; Letter to the President of the United States, Apr. 21, 1971, signed by representatives of 13 Denver-based Hispanic organizations (Commission files).

205. Denver Superintendent's Report to the Honorable William E. Doyle, Judge, U.S. Court of Appeals, required by the April 17, 1974, Final Judgment and Decree, Civil Action No. C-1499, Court Order No. 19-1.

206. Morgan v. Hennigan, 379 F. Supp. 410, 472 (D. Mass. 1974), aff'd *sub nom*. Morgan v. Kerrigan, 502 F.2d 58 (1st Cir. 1974) *cert denied* 44 L.W. 3713 (June 15, 1976).

207. *School Desegregation in Boston*, p. 15.

208. Ibid, appendix C.

209. Ibid.

210. Berkeley transcript, testimony of Carol Sibley, p. A-44.

211. Ibid.

212. Berkeley, Calif., Case Study, pp. 2, 15.

213. Walter Alexander Mercer, *Humanizing the Desegregated School* (New York: Vantage Press, 1973), p. 22.

214. See for example, Arthur O. White, "Florida's State School Chief and Desegregation," *Integrateducation* (1974) p. 38.

215. Mercer, *Humanizing the Desegregated School*, p. 22.

216. Leon Hall, "School Desegregation: A (Hollow?) Victory," *Inequality in Education*, no. 17 (1974), p. 7.

217. 419 F.2d 1211, at 1218 (5th Cir. 1970). Similar standards are used by HEW in determining Title VI and Emergency School Aid Act regulations, 40 Fed. Reg. 25171, June 12, 1975.

218. Mannings v. Board of Public Instruction of Hillsborough county, Florida, No. 3554 Civ. T-K (M.D. Fla. May 11, 1971). This order contains a history of the case from its beginning in December 1958.

219. Data provided by the Office of Pupil Administrative Services. Report on Racial Breakdown of Pupils and Staff, submitted annually to the Honorable Bejamin Krentzman, U.S. District Court.

220. Ibid.

221. Ibid.

222. Diminishing Barrier, p. 13.

223. Rodney C. Colson, assistant superintendent, Hillsborough County Schools, staff interview, Feb. 12, 1976.

224. Ibid.

225. Egerton, Report Card from the South, p. 35.

226. Ibid.

227. Roger Mills and Miriam Bryan, Testing--Grouping: The New Segregation in Southern Schools (Atlanta, Ga.: Southern Regional Council, 1976), pp. 45-46. They have defined "racially identifiable classroom" as one in which the racial composition of the class varies more than 20 percent from the racial composition of the grade at the school.

228. Winifred Green, "Separate and Unequal Again," Inequality in Education, July 1973, p. 15.

229. Mills and Bryan, Testing--Grouping, p. 46.

230. U.S., Commission on Civil Rights, Toward Quality Education For Mexican Americans (1974), p. 23 (hereafter cited as Toward Quality Education).

231. Warren G. Findley and Miriam M. Bryan, Ability Grouping: 1970 (Athens, Ga.: University of Georgia, Center for Educational Improvement, 1970), p. 3. Also, see Toward Quality Education, p. 24. Gary Orfield, "How to Make Desegregation Work: The Adaptation of Schools to Their

Newly-Integrated Student Bodies," Law and Contemporary Problems, vol. 39, (Spring 1975), pp. 327-28.

232. Toward Quality Education, p. 25.

233. National Education Association, "Ability Grouping: Teacher Opinion Poll," NEA Journal, vol. 57 (February 1968), p. 53.

234. Stamford transcript, testimony of Robert Kelley, p. 291.

235. Stamford transcript, testimony of Michael Steadman, p. 213.

236. Earl Ogletree and Velma E. Ujlaki, "The Effects of Ability Grouping on Inner City Children," Illinois Schools Journal, vol. 50 (1970), pp. 63-70. See also Leon J. Lefkowitz, "Ability Grouping: De Facto Segregation," The Clearing House, vol. 46, no. 5 (January 1972), pp. 293-97, and Findley and Bryan, Ability Grouping: 1970, pp. 31-38.

237. Stamford transcript, testimony of Michael Palmer, pp. 212-13.

238. See, e.g. Lemon v. Bossier Parish School Board, 444 F.2d 1400 (5th Cir. 1971); United States v. Sunflower County School District, 430 F.2d 839, 841 (5th Cir.), cert. denied, 398 U.S. 951 (1970).

239. See, e.g., Moses v. Washington Parish School Board, 456 F.2d 1285 (5th Cir.) cert. denied, 409 U.S. 1013 (1972).

240. See, e.g., Acree v. County Board of Education, 458 F. 2d 486, 488, no. 3 (5th Cir.) cert. denied, 409 U.S. 1006 (1972).

241. Tampa transcript, testimony of Raymond Shelton, superintendent, Hillsborough County Public Schools, p. 306.

242. Denver transcript, testimony of Roscoe Davidson, associate superintendent for elementary education, Denver Public Schools, p. 574.

243. Dorchester County, Md., Case study. pp. 23-24.

244. Testimony of principal, Smiley Junior High School, Denver transcript, p. 433.

245. *Toward Quality Education*, p. 21.

246. Tampa transcript, testimony of Frank Farmer, assistant superintendent of instruction, p. 304.

247. EMR usually means mildly retarded, where a student is between two and three standard deviations below the norm; that is, having an IQ score between 50 and 70. Michael S. Sorgen, "Testing and Tracking in the Public Schools," *Hastings Law Journal*, vol. 24 (1972-73), pp. 1168 and Testimony of Mark Lohman, U.S., Senate, Hearings Before the Select Committee on Equal Educational Opportunity, 92d Cong., 1st Sess., p. 10170.

248. *Toward Quality Education*, p. 29.

249. Jane Mercer, *Labelling the Mentally Retarded* (Berkeley: University of California Press, 1973), p. 189.

250. *Toward Quality Education*, p. 28.

251. Ibid., pp. 59.

252. Tampa transcript, testimony of Helen Wilds, pp. 617-22.

253. Robert Wynkoop, staff advisory specialist for desegregation, Jefferson County Public Schools, interview, Mar. 3, 1976. See also Louisville transcript, testimony of Joel Henning, assistant superintendent for institutional organization, pp. 693-95, 702-03.

254. Louisville transcript, testimony of Joel Henning, pp. 694-95.

255. For a discussion of court cases see "School Desegregation Litigation in the Seventies and the Use of Social Science Evidence: An Annotated Guide," *Law and Contemporary Problems*, vol. 39, no. 1 (Winter 1975), pp. 50-133.

256. 343 F. Supp. 1306 (N.D. Cal. 1972).

257. Civ. No. C-70-37 R.F.R. (N.D. Cal. June 18, 1973).

258. Long Day's Journey, p. 354.

259. Ibid., p. 420.

260. Tampa transcript, testimony of Debra Goldsmith, student, Brandon High School, p. 570.

261. Denver transcript, testimony of Vernon Owens, p. 890.

262. Louisville transcript, testimony of Tuwana Roberts, student, Central High School, p. 619.

263. Tampa transcript, testimony of Dora Reeder, dean of girls, Dunbar Elementary School, p. 662.

264. Little Rock, Ark., Case Study, p. 45.

265. Tampa transcript, pp. 533-35.

266. Ibid., testimony of Debra Goldsmith, student, Brandon High School, p. 571.

267. Ibid.

268. Boston transcript, testimony of Joseph Day, teacher and coach, p. 285.

269. Tulsa, Okla., Case Study, p. 53.

270. Tampa transcript, testimony of Thelma Shuman, p. 534.

271. Tampa transcript, testimony of Ralph Fisher, dean of boys, Monroe Junior High School, pp. 600-01.

272. U.S., Commission on Civil Rights, national survey data, 1976. Data compiled from approximately 500 desegregated school districts.

273. Denver transcript, testimony of Chris Sturgis, student, Manual High School, p. 820.

274. Ten Communities, p. 67.

275. Ibid.

276. Boston transcript, testimony of Jan Douglas, student, Jeremiah E. Burke High School, p. 332.

277. Egerton, *Report Card from the South*, p. 11.

278. Tampa transcript, testimony of Graig Allen, student, Dowdell Junior High School, p. 774.

279. Ibid., testimony of Aileen Miller, student, Greco Junior High School, p. 773.

280. Ibid., testimony of Janet M. Middlebrooks, PTA president, p. 654.

281. Stamford transcript, testimony of Bruce Spain, student, West Hill High school, pp. 229-230.

282. Minneapolis transcript, testimony of George Sell, student, Minneapolis Central High School, p. 824.

283. Stamford transcript, testimony of Michael Palmer, student, West High School, p. 232.

284. Louisville transcript, testimony of Terry McAnnally, student, Thomas Jefferson High School, p. 29.

285. U.S., Commission on Civil Rights, prehearing interviews, Hillsborough County, Fla.

286. Denver transcript, testimony of Chris Sturgis, student, Manual High School, pp. 826-27.

287. Hall, "Hollow Victory," p. 12.

288. *Ten Communities*, p. 18.

289. Springfield, Mass., Case Study, p. 11.

290. Denver transcript, testimony of LaRue Belcher, principal, Thomas Jefferson High School, p. 843; testimony of Bryan Tooley, student, Morey Junior High School, p. 468.

291. Ibid., testimony of the Reverend Richard S. Kerr, director, People Let's Unite for Schools (PLUS), p. 111.

292. Ibid., testimony of James Ward, principal, Manual High School, p. 792.

293. Ibid., p. 791.

294. Minneapolis transcript, testimony of George Sell, student, Minneapolis Central High School, p. 806.

295. Berkeley transcript, testimony of Ramona Maples, associate director of research and evaluation, Berkeley School District, p. A-89.

296. Denver transcript, testimony of Deborah Wheeler, student, Manual High School, p. 833.

297. Ibid., testimony of Ruth C. Johns, teacher, Moore Elementary School, p. 966.

298. Tampa transcript, testimony of Harold Clark, area general director, p. 393. Student advisory committees are established pursuant to ESAA regulations.

299. Egerton, Report Card from the South, p. 40.

300. Ten Communities, p. 107.

301. Denver transcript, testimony of Harold Scott. principal, Smiley Junior High School, p. 436.

302. Bogalusa, La., Case Study, p. 40.

303. Ibid., pp. 41, 43.

304. Ibid., p. 43.

305. Denver transcript, testimony of Cynthia McLelland, student, John F. Kennedy High School, p. 896.

306. U.S., Department of Health, Education, and Welfare, Factsheet, Student Discipline, September 1975.

307. See, for example, Southern Regional Council and Robert F. Kennedy Memorial, The Student Pushout--Victim of Continued Resistance to Desegregation (Atlanta: 1973) (hereafter cited as The Student Pushout); Children's Defense Fund, School Suspensions: Are They Helping Children? (Washington, D.C.: 1975) (hereafter cited as School Suspensions); Children's Defense Fund, Children Out of School in America (Washington, D.C.: 1974) (hereafter cited as Children Out of School).

308. Mark G. Yodof, "Suspensions and Expulsion of Black Students from the Public Schools: Academic Capital Punishment and the Constitution," Law and Contemporary Problems, (Spring 1975), no. 2, p. 379.

309. The Student Pushout, pp. 12-16.

310. Paul R. Wharton, assistant superintendent, Hillsborough County Public Schools, inter-office communication to secondary principals, on suspensions, Jan. 19, 1976, and Egerton, Report Card from the South, p. 36.

311. Tampa transcript, testimony of Paul R. Wharton, assistant superintendent, Hillsborough County Schools, p. 311.

312. Southern Report Card from the South, p. 36.

313. The Code of Federal Regulations, Title 45 (Public Welfare) discrimination against children, states that a school district is not eligible for assistance under the Emergency School Aid Act if it has a procedure which results in discrimination, including disciplinary sanctions which discriminate against minority-group children.

314. Gilbert D. Roman, Director, Office for Civil Rights, HEW, letter to Louis J. Kishkunas, superintendent, Denver School District No. 1, July 13, 1975.

315. Denver transcript, testimony of James E. Esquibil, p. 973.

316. U.S., Commission on Civil Rights, prehearing interviews, Louisville, Ky.

317. Louisville Times, Apr. 6, 1976, "Did Laxity in City High Schools Contribute to Suspensions," pp. A-1, A-8.

318. Ibid. Arthur Draut, principal, Waggener High School with 61.8 suspensions for every 100 black students.

319. Ibid. Dr. Irvin Rice, principal, West Point High School with 81.2 suspensions for every 100 black students.

320. Ibid. Principal, name withheld by request.

321. Ibid., Joseph McPherson, principal, Central High School, 13.6 suspensions for every 100 black students.

322. Berkeley transcript, p. A-99.

323. *Long Day's Journey*, p. 388.

324. Ibid., p. 390.

325. Ibid., p. 401-2.

326. William H. Thomas, Director, Office for Civil Rights (Region IV), HEW, letter to Dr. Brandon Sparkman, superintendent, Richland County School District No. 1, Aug. 14, 1975; also HEW internal report on Student Discipline Actions.

327. Tampa transcript, testimony of Augusta Thomas, director, Tampa Urban League, p. 801.

328. *Long Day's Journey*, p. 379.

329. Remarks of Blanche Cooper, director of community development, Jefferson County Public Schools, at the National Conference on Desegregation Without Turmoil, May 19, 1976, Washington, D.C. Ms. Cooper was a panelist in a workshop, Influencing Student Disciplinary Procedures in a Desegregation Program.

330. U.S., Department of Health, Education, and Welfare, Office for Civil Rights, internal files.

331. *Long Day's Journey*, p. 397.

332. See, 327 F. Supp. 930 (S.D. Fla. 1971); *Law and Contemporary Problems*, vol. 39, no. 2, p. 397.

333. Ibid.

334. *The Student Pushout*, p. 4. Roughly 9.1 percent of blacks, 6.4 percent of Chicanos, and 4.9 percent of Anglos were suspended. Note: Sources quoted refer to expulsions rather than suspensions which is an apparent error.

335. *Law and Contemporary Problems*, vol. 39, no. 2, pp. 401-03; Hawkins v. Coleman, 376 F. Supp. 1330 (N.D. Tex. 1974).

336. William H. Thomas, Director, Office for Civil Rights (Region IV) HEW, letter to Brandon Sparkman, superintendent, Richland County School District No. 1, Aug. 14, 1975; also HEW internal report on Student Discipline Actions.

337. Law and Contemporary Problems, vol. 39, no. 2, p. 386.

338. Ibid., p. 386.

339. Ibid.

340. Tampa transcript, testimony of Joanna Jones, Project Youth director, Tampa Urban League, and member of the biracial advisory committee, p. 788.

341. U.S., Department of Health, Education, and Welfare, Office for Civil Rights, internal report on Student Discipline Actions.

342. Louisville Times, Apr. 6, 1976, p. A-98.

343. Berkeley transcript, testimony of Astor Mizuhard, principal of Franklin Intermediate, p. A-197-8.

344. Denver transcript, p. 859.

345. Tampa transcript, testimony of Richard Rodd, chairman, biracial advisory committee, p. 445.

346. See, A Report of Student Suspensions in Selected High Schools of Jefferson County Public Schools to the Honorable James T. Gordon, Senior Judge, United States District Court, from E. C. Grayson, superintendent, Apr. 28, 1976.

347. U.S., Department of Health, Education and Welfare, Office for Civil Rights, Martin H. Gerry, Acting Director, Memorandum for Chief State School Officers, "Recordkeeping on Student Actions in School Districts," August 1975, rev. January 1976.

348. Louisville transcript, testimony of Camellia Brown, chairperson, Louisville-Jefferson County Students Defense report, p. 578.

IV. SUMMARY AND CONCLUSIONS

At the end of what has been an exciting experience for the members of the Commission, there is one conclusion that stands out above all others: desegregation works. It is working in Hillsborough County, Florida; and Tacoma, Washington; Stamford, Connecticut; and Williamsburg County, South Carolina; Minneapolis and Denver, and in many other school districts where citizens feel that compliance with the law is in the best interests of their children and their communities. It is even working in the vast majority of schools in Boston and Louisville in spite of the determination of some citizens and their leaders to thwart its progress. The efforts of law-abiding citizens in these and other desegregating districts are not well-known, although they are more representative of the total desegregation experience than the more publicized resistance of opponents.

To be sure, none of these districts is without its problems; for some, the road ahead may be as difficult as the ground already covered. Beliefs and practices nurtured in decades of slavery and inequality do not die easily. But these communities have learned that through positive, forceful leadership and careful planning by a broad cross-section of the community, school desegregation can be implemented smoothly.

The support given by local leaders in implementing desegregation peacefully generally results in beneficial byproducts. School officials throughout the country have noted that institutional renewal frequently accompanies the desegregation process. The educational program is reviewed and revamped to include new instructional techniques and materials, to provide for the needs of language-minority students, to develop programs to assist gifted children and those achieving below their potential, and to promote racial and ethnic harmony among faculty and students. In addition, community race relations and the level of parental participation in school activities usually improve during the course of desegregation. School districts which have experienced desegregation for several years generally report that minority student achievement rises and that these students often exhibit greater motivation that ultimately leads to pursuit of higher education. Majority group students hold their own academically and they commonly report that experiences with minority students have dispelled long-held stereotypes.

While many school districts have implemented desegregation plans, numerous others remain segregated.

Preliminary data for 1974 from the Office for Civil Rights of HEW reveal that in districts sampled each year from 1970 to 1974, 4 of every 10 black students and 3 of 10 Hispano students attended schools at least 90 percent minority. There were wide regional variations: those schools enrolled 23 percent of the black students in the South, 58 percent of black students in Border and Northeastern States, 62 percent in the Midwest, and 45 percent in the West.[1]

Segregation remains a problem, particularly in large districts. A recent analysis of school districts 20 to 40 percent black shows that large districts across the country tend to be more segregated than small ones. Virtually no blacks in very small districts (less than 2,000 students) were in schools where minorities represented more than 50 percent of the enrollment. On the other hand, in school districts with more than 100,000 students, 3 of every 5 black students in northern schools and 2 of every 5 black students in southern schools attended schools with an enrollment greater than 50 percent minority. Furthermore, 30 percent of the black students in these northern districts and 15 percent in the southern districts attended schools that were over 90 percent minority.[2] (See table 4.1)

Table 4.1

Black Enrollment in Schools 50 Percent or More Black in Districts 20 to 40 Percent Black

Enrollment		Percent Black Enrollment of School Attended Over 50%	Over 90%
Less than 2,000	South	0.0	0.0
	North	0.0	0.0
Greater than 100,000	South	40.3	15.0
	North	60.6	30.2

Source: Children's Defense Fund, reported in Marian Wright Edelman, "Winson and Dovie Hudson's Dream," Harvard Educational Review, vol. 45 (1975), p. 425.

On balance, however, this report makes it clear that substantial progress is being made in the desegregation of our schools. If the Nation is to build on this progress, there are certain "musts" that the Commission believes need to be kept in mind.

1. Leaders at the national, State, and local levels must accept the fact that desegregation of the Nation's schools is a constitutional imperative.

The peaceful implementation of desegregation is not by chance. Luck plays no part in determining the degree of disruption that a desegregating school district experiences. One of the most important conclusions of this report is that the support of school officials and other local leaders strongly influences the outcomes of desegregation. The public generally follows the lead of officials who are responsible for school desegregation. Commitment and firm support from these officials encourage law-abiding citizens to make desegregation work. Under this type of leadership, even opponents of school desegregation conform to the standards of behavior exemplified by their leaders, thus ensuring tranquility and a peaceful learning environment for their children. Officials who are committed to desegregation and act decisively to ensure peaceful implementation are likely to be rewarded with a relatively smooth, peaceful transition.

Leaders who are committed to ensuring that desegregation works will solicit involvement of the community at various stages of the process, from planning through implementation and monitoring. When the community is involved in planning, it is committed to the outcome. During planning and implementation, for example, citizens may operate rumor control and information centers or work at their children's schools. Through a variety of actions, their frustrations and anxieties are channelled into productive activity; as they learn about the school desegregation plan, they are reassured, and, in turn, can inform and allay fears of the rest of the community. Disruptions are minimized.

Conversely, when school administrators and other public officials are opposed to school desegregation and attempt to appease opponents, the voices of resisters often are stronger than constitutional imperatives. Taking their cue from their leaders, citizens who would ordinarily comply are encouraged to resist. Supporters of desegregation are discouraged from taking a public stand. The result is turmoil and confusion and sometimes violence. The occurrence of disruption is basically a self-fulfilling prophecy. If local officials and leaders believe disruption will occur and do nothing to prevent it, it is much more likely to occur.

A peaceful transition from segregation to desegregation is not the end but only the beginning. Successful desegregation requires continued monitoring, evaluation, and periodic review and sometimes revision of the original plan. School officials and community people must deal with certain "second generation" problems that may jeopardize the goal of desegregation. These problems include classroom segregation, inequitable disciplinary procedures, low minority participation in extracurricular activities, lack of minority representation on administrative and teaching staffs, and the absence of multicultural, bilingual education for language-minority students.

These problems are not inherent in the school desegregation process. Where they do occur, they result from lack of foresight, planning, and evaluation on the part of school officials and the community. But where school officials act affirmatively to promote successful desegregation, these problems are less likely to result. This action should take place continuously once the desegregation plan in put into effect. Efforts to upgrade the curriculum and to hire minority staff, for example, must continue far beyond the original pupil assignment plan. When desegregation is seen in this way--as a process--school officials can continue to provide all students a better educational environment.

School officials and other local leaders are dependent on the tone set by leaders at the national level. This tone is determined not only by the statements officials make about the desirability of desegregation, but also by the support they give, or fail to give, to court decisions designed to implement the constitutional rights of children and young people. Under our system of government, in the absence of action by the executive or legislative branches, the courts when faced with the issue must determine what steps should be taken to ensure that the constitutional right to equal educational opportunity is provided. The Commission believes, for constitutional reasons, that efforts by either the executive or the legislative branches to curb the power of the courts, in the final analysis, will not prevail. Such efforts undermine the desegregation process and jeopardize the rights of minority students. Furthermore, these attempts contribute to the position of some individuals that desegregation can be avoided.

This Commission, therefore, takes issue with the President and those Members of Congress who seek to curb the role of the courts. The President's recent submission of the School Desegregation Standards and Assistance Act of 1976 falls within this category. This bill seeks both to narrow the definition of illegal segregation and to restrict the scope of remedies available to the courts.

2. The Federal Government must strengthen and expand programs designed to facilitate the school desegregation process.

For example, Congress should increase the funding and authority, under Title IV of the Civil Rights Act of 1964, of General Assistance Centers providing technical assistance and human relations training for desegregating school districts.[3] Additional funding should be made available under the Emergency School Aid Act of 1972 for curriculum development and teacher training in desegregating school systems.[4] Congress should provide funds to assist in the construction of new schools and additions to existing ones when such construction will maximize desegregation and lessen the need to increase student transportation for desegregation. Also, Congress should rescind its prohibition against the use of Federal financial assistance for student transportation for desegregation.

3. There must be vigorous enforcement of laws which contribute to the development of desegregated communities.

The President and the Congress should make a concerted effort to provide the authority and resources necessary for facilitating metropolitan residential desegregation and thereby maximize school desegregation. Each State receiving Federal housing and community development grants should be required to establish a metropolitan agency with authority to plan and implement a program for metropolitan housing development, including provision of adequate, moderate- and low-income housing throughout the metropolitan area and various services to assist minority families to secure housing outside central cities. A special tax incentive should be granted to families who select housing in areas where residents are predominantly of another race or ethnic group. The Congress should strengthen the enforcement of Title VIII of the Civil Rights Act of 1968 by authorizing the Department of Housing and Urban Development to issue cease-and-desist orders to end discriminatory housing practices.

In addition, the Department of Housing and Urban Development should assign the highest priority to enforcement of fair housing laws, including an expanded Title VIII compliance review program. Such a program would require development of affirmative housing opportunities plans, providing for review and revision of local zoning ordinances, building codes, land use policies, real estate practices, and rental policies that prohibit or discourage housing opportunities for minorities.

4. A major investment of time and resources must be made in order to deal with misconceptions relative to desegregation.

Many of these misconceptions grow out of misunderstanding of what is constitutionally required. One of the most popular misconceptions is the view that segregation in the North and West arises from "natural causes" in contrast to the "separate" schools imposed by law in 17 Southern and Border States prior to 1954. The Supreme Court of the United States expressly spoke to such State-required separation, termed *de jure* in the *Brown* decision of 1954. In other sections of the country, however, segregation (often flourishing without mandatory or permissive statutes) was termed *de facto,* meaning that it arose without official action or acquiescence and therefore was not a constitutional violation.

It is incorrect to say, however, that in the absence of a State law requiring segregation, any existing segregation is *de facto.* Federal courts have ordered desegregation in northern and western jurisdictions only when faced with evidence showing that local or State school officials have deliberately used their powers to foster segregated schools, often despite State law to the contrary. It is this abuse of the State's authority, vested in local school boards or State education agencies, which is the essence of the difference between _de facto_ and _de jure_ segregation. It is the culpability of these officials in causing or intensifying segregation at the door of the State, and it is this "State action" which forms the basis for finding a constitutional violation. Such State action is not _de facto_, but is actually another form of _de jure_ segregation, and thus, under current constitutional law, a proper matter for Federal judicial intervention. The desegregation of schools is necessary to eliminate the current effects of these unlawful acts of State or local officials who have used their powers to cause and maintain separation of children of different races or ethnic backgrounds in public schools. Some of the methods used by local or State school officials include:

1. Authorizing the construction of new schools in places where the resulting "neighborhood" attendance area will be predominantly uniracial despite the availability of other sites that would be available to students of different races.

2. Gerrymandering school attendance zones in a manner designed to maintain segregated schools by following racial shifts in population.

3. Changing the total enrollment of existing schools through the use of portable classrooms, permanent building additions, or double sessions in order to accommodate changes in the population of one race or ethnic group.

4. Utilizing racially-oriented feeder patterns instead of neutral geographic boundaries to determine the succession of schools a child will attend throughout that child's public school years.

The Supreme Court, in deciding its first northern school desegregation case, found that intentional actions of School District No. 1, Denver, Colorado, had resulted in segregation:

> ...respondent School Board alone, by use of various techniques such as manipulation of student attendance zones, school site selection and a neighborhood school policy, created or maintained racially or ethnically (or both racially and ethnically) segregated schools throughout the school district....[5]

In Detroit, Michigan, a similar finding of de jure segregation was based upon unconstitutional practices of the Detroit school board. Although the Supreme Court overturned the interdistrict remedy ordered by the district court and affirmed by the appellate court, it affirmed the finding of de jure segregation and cited the following as illegal segregative practices:

> (1) creating and maintaining optional attendance zones within Detroit neighborhoods undergoing racial transition and between high attendance areas of opposite predominant racial compositions;
>
> (2) drawing school attendance zones along directional lines which had a segregative effect;

(3) operating a school transportation program, designed to relieve overcrowding, in a manner that increased and perpetuated segregation; and

(4) siting and constructing schools in a manner that tended to have segregative effect.*

As shown in Detroit, Denver, and other nonsouthern school districts, the claim that segregation arises from natural causes and is thus beyond the purview of the courts frequently fails to withstand close scrutiny.

Another misconception grows out of the constant use of the phrase, "forced busing to achieve racial balance." This has been used so often that few stop to consider its meaning.

Courts have not forced students to ride buses. Courts have required that boards of education reassign students to schools so as to eliminate dual education systems. Buses are a convenience made available to 7 percent of the students who are so reassigned, just as they are a convenience to the remaining 93 percent of the students who use them for purposes other than desegregation.

Most Americans, if asked whether the courts require racial balance of schools in districts found to have practiced de jure segregation, would probably respond affirmatively. This perception, therefore, has become another of the misconceptions that preoccupies the public and draws attention from other more important issues.

The truth is that school districts, acting on their own initiative or under a voluntary plan, may determine that the racial composition of each school should mirror the racial composition of the system as a whole. Thus, they may devise and implement racial balance plans, but they are not required to do so. The Supreme Court in Swann v. Charlotte-Mecklenburg Board of Education addressed this issue, saying:

> School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities.[7]

In providing a remedy for unlawful segregation, there is no constitutional or statutory requirement that all schools in a district be racially balanced. Courts may not and do not require racial balance in an imposed desegregation plan. When there has been a findng of de jure segregation, the constitutional requirement is that school districts eliminate the racial identity of schools in a dual school system. Should a school district fail to remedy illegal segregation, a Federal court may issue orders to abolish such duality. Speaking again for a unanimous Court, the Chief Justice of the Supreme Court said:

> The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole....[8]

What purpose was served by the use of racial ratios? The Court said:

> We see, therefore, that the use made of mathematical ratios was no more than a starting point in the process of shaping a remedy, rather than an inflexible requirement....As we said in Green, a school authority's remedial plan or a district court's remedial decree is to be judged by its effectiveness. Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations.[9]

There is a mistaken belief that the courts have required desegregation as a means to obtain what some refer to as "quality" education. No court has made a connection between these two concerns. Courts have required school desegregation as a means of ensuring equality of educational opportunity. Equality of educational opportunity implies, moreover, that all children together will share--at the same time, and in the same place--whatever quality of education the State provides. Commission studies have shown, however, that as a result of school desegregation, most school district officials feel that there has been an improvement in the quality of education for all school children.

Another misconception relates to the widely-held belief that massive white flight results from school desegregation. The isolation of minority students in central city districts reflects the composition of the population in metropolitan areas. For at least three decades, whites have been leaving central cities for the suburbs.[10] A great many factors have contributed to this population shift: relocation of employment in suburban areas, the desire for more living space, higher incomes, as well as the unfounded fear of lowered property values as the minority population increases. Real estate speculators, playing on the fears of whites, have engaged in the practice of "blockbusting."[11] The role that desegregation of schools plays in the movement of whites to the suburbs is not clear. While certain school districts have experienced a significant decline in white enrollment, evidence does not support the widely-held belief that urban school desegregation causes massive white flight and the consequent resegregation of urban schools.[12] It does appear from the evidence, however, that policies and practices of Federal, State, and local officials, as well as those practices of the private sector, have contributed to that movement.

Regardless of the causes of white flight, it is not a constitutionally permissible argument for denying students equal protection of the laws. The courts have addressed this issue:

> "White flight" is one expression of resistance to integration, but the Supreme Court has held over and over that courts must not permit community hostility to intrude on the application of constitutional principles....[D]issidents who threatened to leave the system may not be enticed to stay by the promise of an unconstitutional though palatable plan.[13]

The Supreme Court in United States v. Scotland Neck City Board of Education said:

> ...while [white flight] may be cause for deep concern to the [school board], it cannot...be accepted as a reason for achieving anything less than complete uprooting of the dual public school system.[14]

The Commission is disturbed that these public misconceptions have gained such wide credibility. More serious is the increasing willingness of State and Federal officials to jeopardize the constitutional rights of minority children to equal educational opportunity.

It is clear that the story of the desegregation of the schools of our Nation is an unfinished story. It is also clear that in many respects it is an untold story. To date the story has been told primarily by focusing on sensational developments in some school districts where desegregation is underway. Very little has been written about those aspects of the story which involve a quiet acceptance of the constitutional imperative by thousands of citizens in many communities and their successes in implementing the truths imbedded in the Constitution.

The late Branch Rickey, when he was in the middle of the battle to open up professional baseball to blacks, urged those who were ready to give up "to never accept the negative until you have thoroughly explored the positive."

This report is designed to give the media, leaders in and out of public life, and citizens, generally, the opportunity to explore the positive and at the same time to recognize the nature of the problems that must be solved if desegregation is to succeed.

The Commission believes that a careful reading of the experiences of communities included in this report will convince the reader that we are moving forward as a Nation in our determination to make the Constitution a living reality in the lives of thousands of children and young people. We believe that such a reading will replace despair with hope for those individuals whose opportunities to achieve their highest possibilities depend on our willingness to do more than pay lipservice to the provisions of the Constitution.

After weighing all the evidence in this report, the Commission is convinced that those who are willing to make a serious commitment to implementing the truths that are at stake in the controversy surrounding desegregation are meeting with success. Their success goes beyond simply providing for the physical proximity that children of different races and ethnicities enjoy in a desegregated school. In the past 10 years, desegregated schools have brought together more children of different races and ethnic groups than at any time in the history of the Nation. The opportunity they have, and others who come after them will have, to understand, know, and appreciate each other, provides the most important elements necessary to the success of 200 years of efforts to provide for each American the fact and not simply the promise of equality. We believe that these successes can be duplicated throughout the Nation.

We recognize that some will differ with the conclusions set forth in this report. We urge that these differences be identified after and not before examining the evidence. This report represents the most intensive effort to date to bring together relevant evidence. If the national debate on desegregation is based on this and other comparable evidence, as contrasted with hasty generalizations drawn from a few negative experiences, we have no doubt that the Nation will once again demonstrate its ability to deal in a constructive manner with a crisis growing out of the implementation of the Constitution of the United States.

Notes to Chapter IV

1. Congressional Record, 94th Cong., 2d Sess., vol. 122, no. 95, June 18, 1976, p. 9938. The districts surveyed include approximately 92 percent of the Nation's black students and 74 percent of the Nation's Hispano students. Border States in the survey include the District of Columbia.

2. The analysis was done by the Children's Defense Fund of data collected by the Office for Civil Rights, HEW. See Marian Wright Edelman, "Winson and Dovie Hudson's Dream," Harvard Educational Review, vol. 45, no. 4 (1975), p. 425.

3. 42 U.S.C. §2000c (1970).

4. 20 U.S.C. §1606.

5. Keyes v. School District No. 1, Denver, Colorado, 413 U.S. 189, at 192 (1973).

6. Milliken v. Bradley, 418 U.S. 717 (1974).

7. 402 U.S. 1, at 16 (1971).

8. Id. at 24.

9. Id. at 25.

10. Robert C. Weaver, "The Suburbanization of America," paper presented at the United States Commission on Civil Rights Consultation, "School Desegregation: The Courts and Suburban Migration," Washington, D.C., Dec. 8, 1975.

11. By selling a house to one black family in a white neighborhood and convincing white residents that property values will subsequently plummet, these speculators buy houses inexpensively and sell to black families at inflated prices. U.S., Commission on Civil Rights, Understanding Fair Housing (1972), p. 14.

12. Christine H. Rossell, "The Political and Social Impact of School Desegregation Policy: A Preliminary Report," paper presented at the 1975 Annual Meeting of the American Political Science Association, San Francisco, Calif., Sept. 2-5, 1975.

13. Brunson v. Board of Trustees, 429 F.2d 820, at 827 (4th Cir. 1970).

14. 407 U.S. 484, at 491 (1972).

★ U. S. GOVERNMENT PRINTING OFFICE : 1976 626-331/518